JUSTICE

1. OVERVIEW

MISSION

Our mission is to serve the residents of the NWT by:

- Working with community members so that communities are safe and secure;
- Ensuring that all residents have access to justice, including legal aid, the courts, alternatives to the courts and other justice-related services;
- Providing legal services to the Government of the Northwest Territories (GNWT) and its agencies;
- Protecting the rights and freedoms of individuals and groups; and
- Promoting respect for the law and the Constitution of Canada.

GOALS

1. Communities have increased capacity and a role in addressing justice issues.
2. Programs, safe and secure custody, and community supervision are in place to support the rehabilitation of offenders.
3. Communities are safer.
4. Victims of crime are supported and have meaningful roles in the justice system.
5. Families in conflict are supported.
6. All residents have access to justice.

PROPOSED BUDGET ($000)

Total Operating Expenses	$102,951
Compensation & Benefits	$48,857
Grants & Contributions	$2,531
Other O&M	$49,305
Amortization	$2,258
Infrastructure Investment	$1,096

PROPOSED POSITIONS

Headquarters (HQ)	79 positions
Regional/Other Communities	348 positions

KEY ACTIVITIES

- Services to Government
- Law Enforcement
- Legal Aid Services
- Court Services
- Community Justice and Corrections
- Services to the Public

STRATEGIC ACTIONS

The department will take the following actions in support of the government's strategic initiatives:

Building Our Future

1. Expand Programming for Children and Youth
    - Office of the Children's Lawyer
    - FASD Consultant
2. Implement Phase II of the Framework for Action on Family Violence
    - Program For Men Who Use Violence in Intimate Relationships
    - RCMP Family Violence Coordinator
3. Increase Safety and Security
    - Enhance Police Services
    - Policing in Small Communities
    - South Slave Drug Interception Team
    - Reducing Drug and Alcohol Related Crime
    - Family Law Programs and Services
    - Enhanced Crime Prevention
    - Community Safety Strategy

Managing This Land

4. Continue to Develop Governance
    - Aboriginal Consultation Unit
    - Land, Resource and Self-Government Negotiations
    - Devolution

Maximizing Opportunities

5. Maximize Benefits from Resource Development and Related Initiatives
    - MGP Strategic Investment – Coordination and Policing

Refocusing Government

6. Strengthen Service Delivery
    - Coroner Service
    - Enhancing GNWT Oversight on Access to Information and Privacy Functions

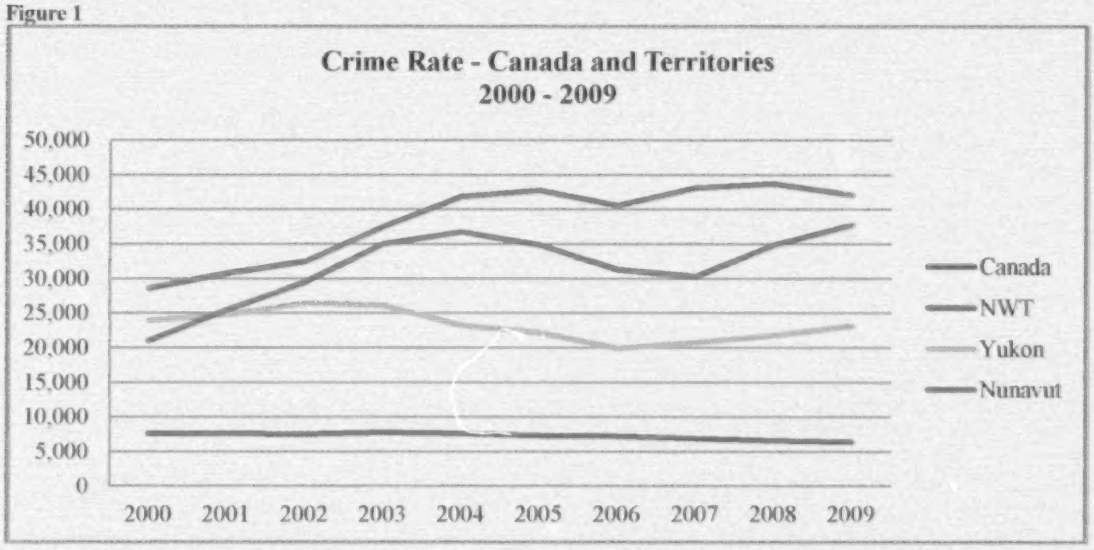
2. EMERGING ISSUES

Police-Reported Crime Statistics [1]

Police-reported crime statistics along with statistical information from other surveys and from justice programs provides an important base from which to plan and make policy and program decisions. Information from Statistics Canada and the Department informs a wide range of Justice programs and services including policing, victim services, family violence, corrections, courts, and legal aid. This information is helpful in identifying trends, measuring progress and providing valuable insight into emerging issues.

In 2009, the national police-reported Crime Rate[2] in Canada reached its lowest point in 30 years, reflecting a drop of 3% from the previous year. In 2009, the NWT's Crime Rate decreased by 4% (Figure 1). This is a promising development and when combined with a general leveling off of the crime rate over the last five years, may reflect positive progress in response to justice initiatives.

Figure 1



This positive development for Canada and the NWT is also reflected in the new police-reported Crime Severity Index (CSI)[3]. In 2009 the CSI for Canada dropped by 4% and a similar decrease was seen in the NWT where the CSI dropped 5%. Although the NWT has the second highest CSI in

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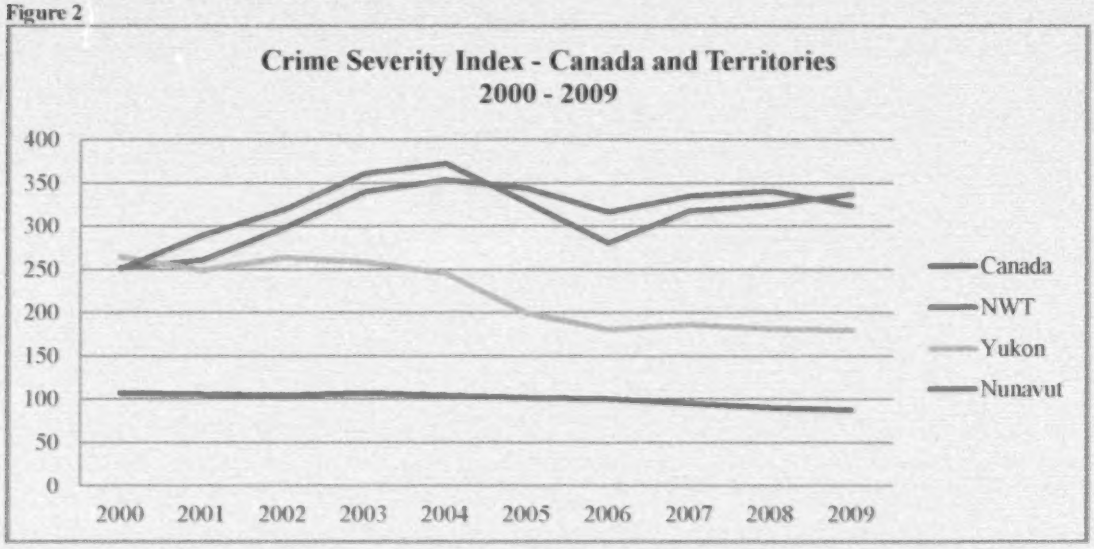
[1] *Police-reported Crime Statistics in Canada, 2009*, Statistics Canada. The report examines trends in the severity and volume of both overall and violent crime at the national, provincial/territorial and census metropolitan area levels.

[2] Crime rate—This measure represents the sum of all criminal incidents (excluding traffic offences and drug offences) reported to the police, divided by the population. In this calculation, all offences are counted equally; for example, one incident of murder equals one incident of bicycle theft. The crime rate is expressed as a rate per 100,000 population. In addition to the overall crime rate, there are three sub-totals: violent, property and other *Criminal Code*.(Statistics Canada).

[3] Crime Severity Index (CSI)—In the calculation of the CSI, each offence is assigned a weight, derived from sentences handed down by criminal courts. The more serious the average sentence, the higher the weight for that offence. As a result, more serious offences have a greater impact on changes in the Index. All offences, including traffic and drug offences, are included in the CSI. The calculation involves summing the weighted offences and dividing by the population. The CSI is then standardized to a base year of "100", which is 2006 for Canada. (Statistics Canada)

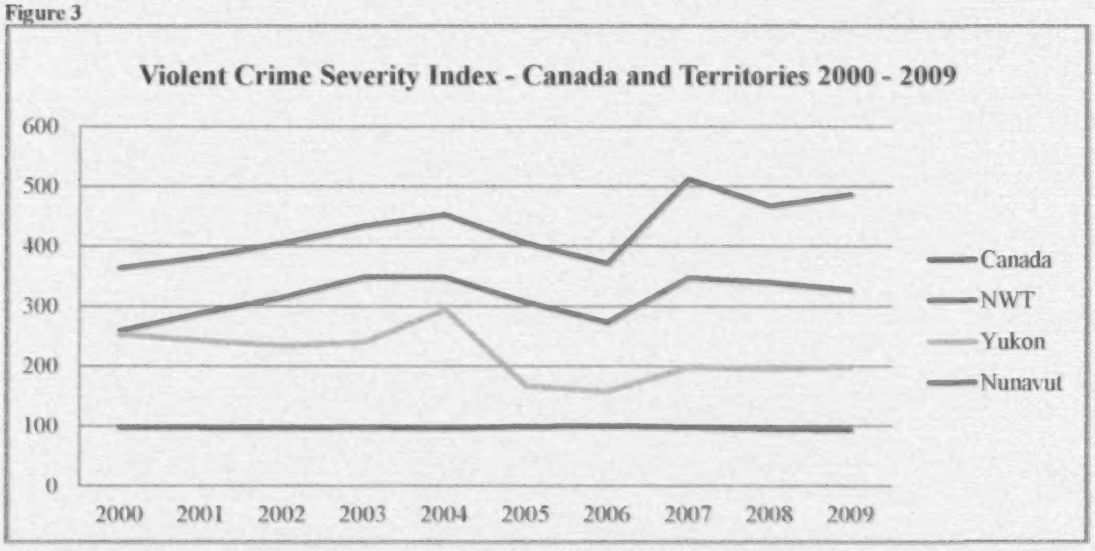
Canada, there appears to be a slight downward trend (Figure 2) that is also reflected in the reduction of the Violent Crime Severity Index (Figure 3).

Figure 2



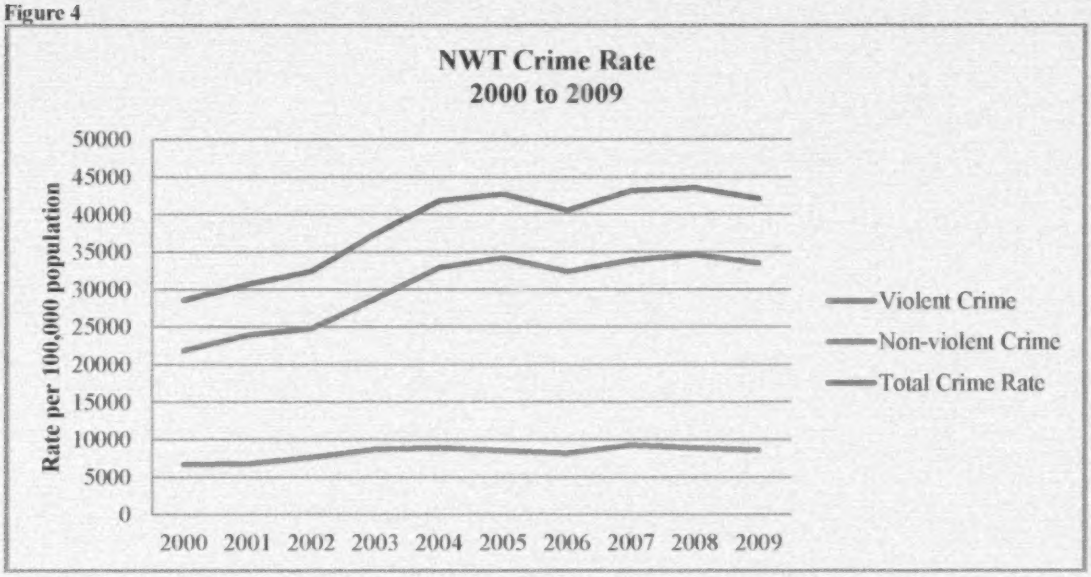
In 2009 the severity of violent crime in the NWT declined by 4%. Even with these decreases, the NWT continues to have the highest crime rate and the second highest CSI and Violent CSI in Canada (Figures 1, 2 and 3).

Figure 3



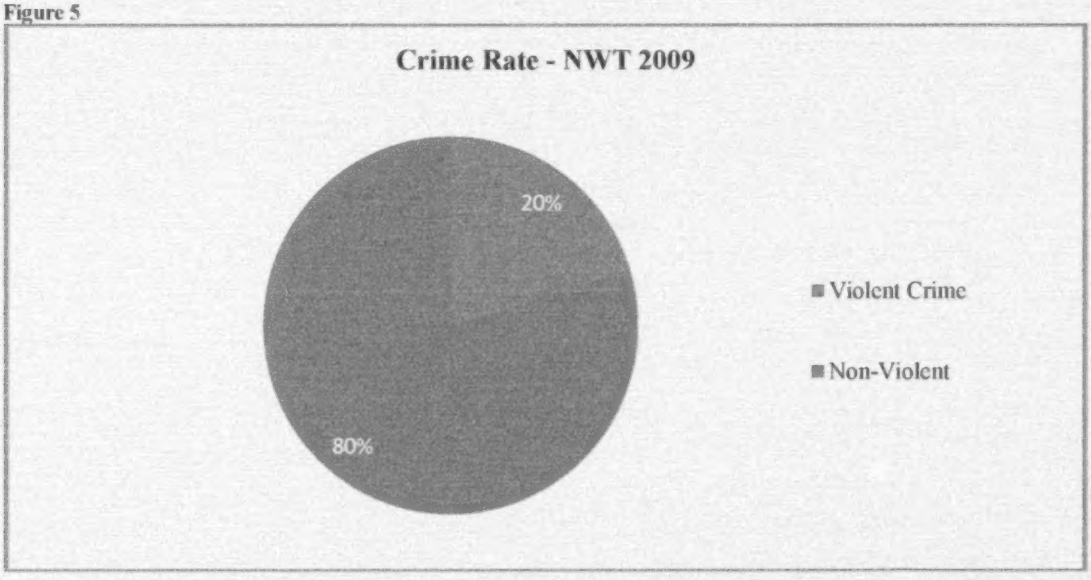
Trend data from 2000 to 2009 also shows that, although there have been increases in violent crime, increases in the rate (per 100,000 population) of non-violent crime appears to be "driving" overall changes in the NWT crime rate (Figure 4).

Figure 4



In the NWT in 2009, 80% of criminal offences that made up the crime rate were non-violent offences (property and other *Criminal Code)*, and 20% involved violent crimes (Figure 5).

Figure 5

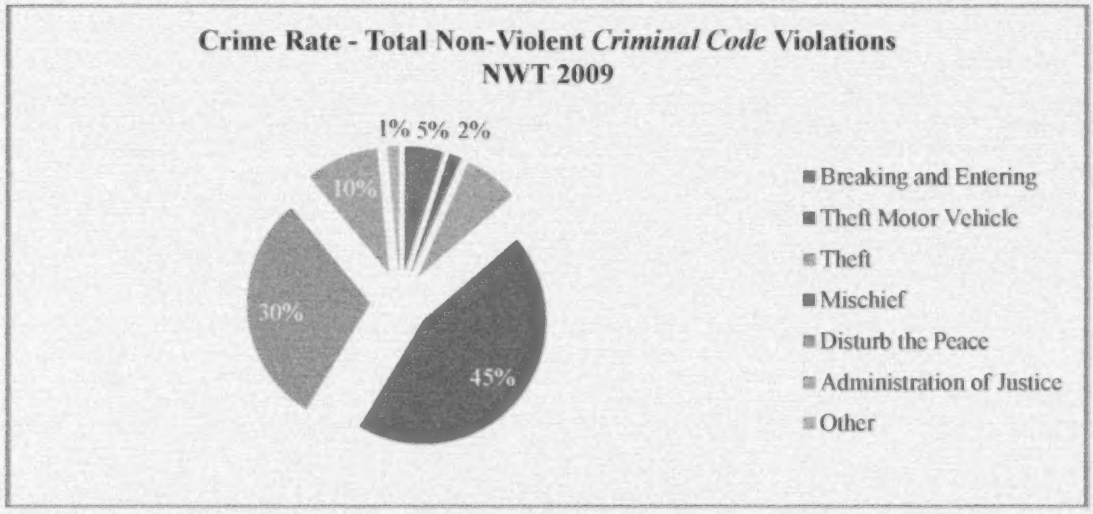


Of the non-violent offences reported by police, most were mischief (45%), disturbing the peace (30%) or administration of justice offences (10%). In 2009, these three offences make up 85% of all police-reported non-violent crime (Figure 6). Mischief and disturbing the peace are offences that are often related to abuse of alcohol. Community and government initiatives to address the root causes of the abuse of alcohol and drugs are required to see decreases in these offences.

Administration of justice offences include (amongst others): failure to comply with a court order, breach of probation, and failure to appear. According to the Statistics Canada report "Offences

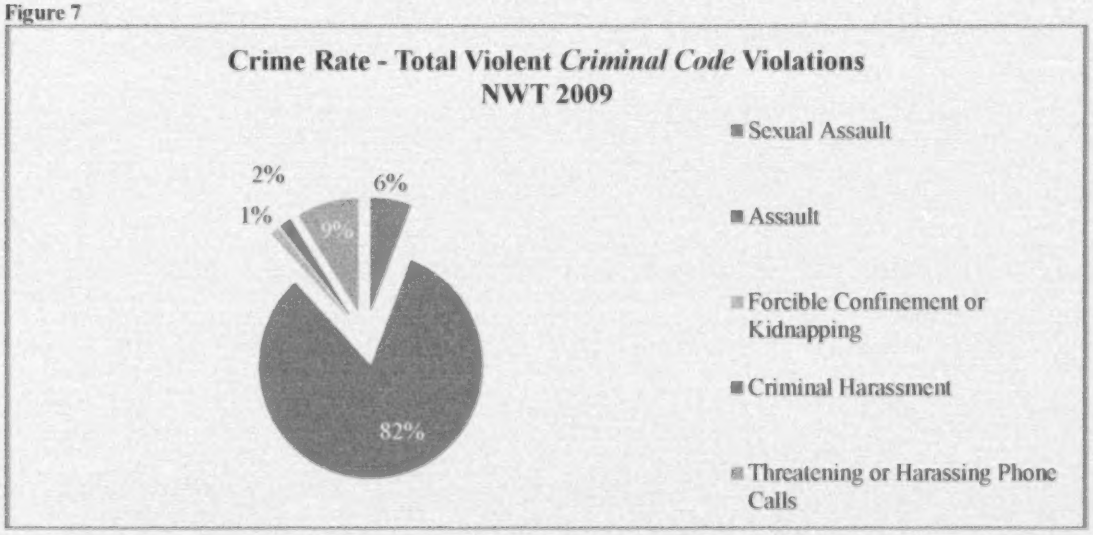
against the Administration of Justice, 1994/95 to 2003/04", "Offences against the administration of justice can considerably encumber the Canadian justice system by causing individuals to reappear before the courts for reasons unrelated to new criminal activities. These offences therefore represent an additional cost not only in dollars, but also in terms of the efficiency of the justice system. When a greater number of cases must be heard or the complexity of the cases increases because of the addition of these offences, the response of the justice system, especially with respect to the disposition of criminal cases, will be slowed accordingly."

Figure 6



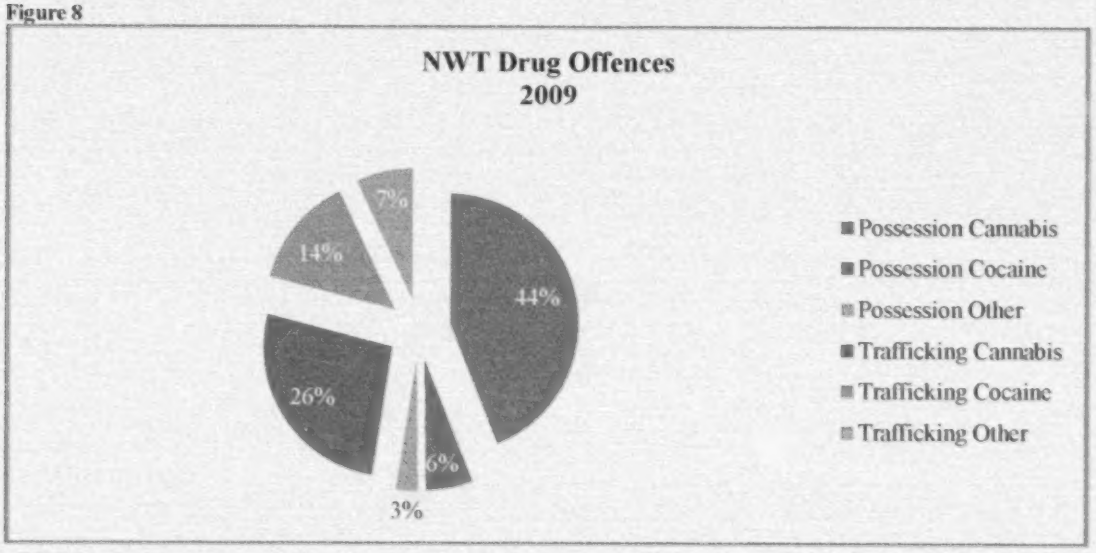
In 2009, 20% of police-reported offences included in the crime rate were violent offences. The majority of these offences involve assault (82% Figure 7), and assault can be broken down further into common assault level 1 (81%), assault with a weapon or bodily harm level 2 (15%), followed by assault of a police officer (3%). High rates of common assault give us some insight into the nature of spousal assault in the NWT. In 2006 (the last year this info is available) 83% of spousal assault was common assault. Programs to address family violence are important in reducing violent crime.

Figure 7



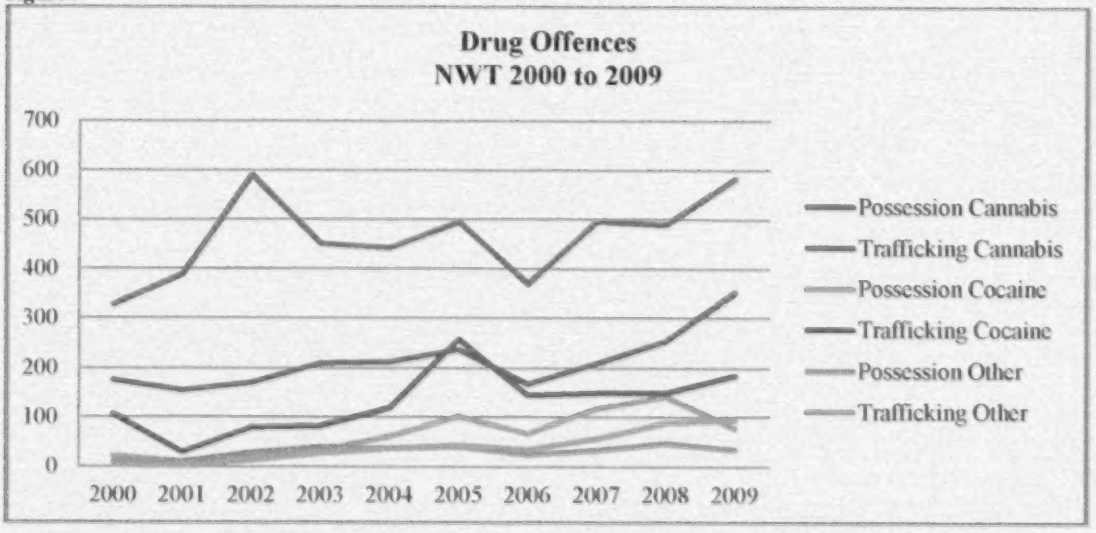
As previously mentioned, the crime rate does not include traffic and drug offences. If drug offences are examined, possession and trafficking of cannabis lead the way at 70%, followed by 20% for trafficking and possession of cocaine, and 10% for possession and trafficking of other (Figure 8).

Figure 8



Trend data on drug offences over the 2000-2009 period shows an increase in most drug activity (Figure 9). Increases in drug offences could be a result of greater enforcement efforts or increased economic activity in the NWT. Programs like *Not Us!*, which raise awareness about the dangers of drug use, are important in addressing this trend.

Figure 9



According to the Statistics Canada report *Police-Reported Crime Statistics in Canada, 2009*, factors that can influence the prevalence of police-reported crime statistics can also include:

1. **Demographics**—increase in high-risk (15-24) populations.
2. **Public reporting rates to police**—changes in societal responses and perceptions of certain crimes.
3. **Local police policies and procedures**—The ease of public reporting can impact whether a criminal incident becomes known to police and subsequently reported to Statistics Canada through the UCR Survey. Also, internal police records management systems (RMS) and processes can impact on whether or not a criminal incident is entered into the local RMS.[4][5]
4. **Legislative changes**—changes to the criminal justice system, such as the introduction of a new offence, can impact the number of police-reported criminal incidents.
5. **Social and economic factors**—various social and economic factors can influence crime statistics.
6. **Technological change**—with continuing advances in technology, opportunities for new, more complex crimes have developed.

The high crime rate in the NWT (as well as Yukon and Nunavut) can be at least partially attributed to demographic and social factors such as our relatively young population, low education attainment, abuse of drugs and alcohol as well as the traumatic impacts of residential schools.

Measures to address crime must include initiatives that address social factors, recognize the impact of economic change and mitigate the impact of policies and procedures as well as legislative changes. The justice system can not address crime alone, social agencies and departments must work together to deal with the factors that lead to crime.

Changes in Offender Profiles

Although the violent crime rate in the NWT dropped by 2% in 2009, it is still the second highest in the nation.[6] The high rate of violent crime in the NWT has had, and will continue to have, an impact on sentenced custody and on the number of accused held in custody awaiting trial or sentencing (i.e. remand[7]).

In 2007-08, 70% of the adults admitted to sentenced custody had been convicted of crimes of violence, compared to 49% in 2001/2002. This is a 43% increase over 7 years. This "hardening" of our offender population has implications for the programs, services and infrastructure requirements of the corrections system as well as other areas of the justice system, such as legal aid and the courts (Figure 10).

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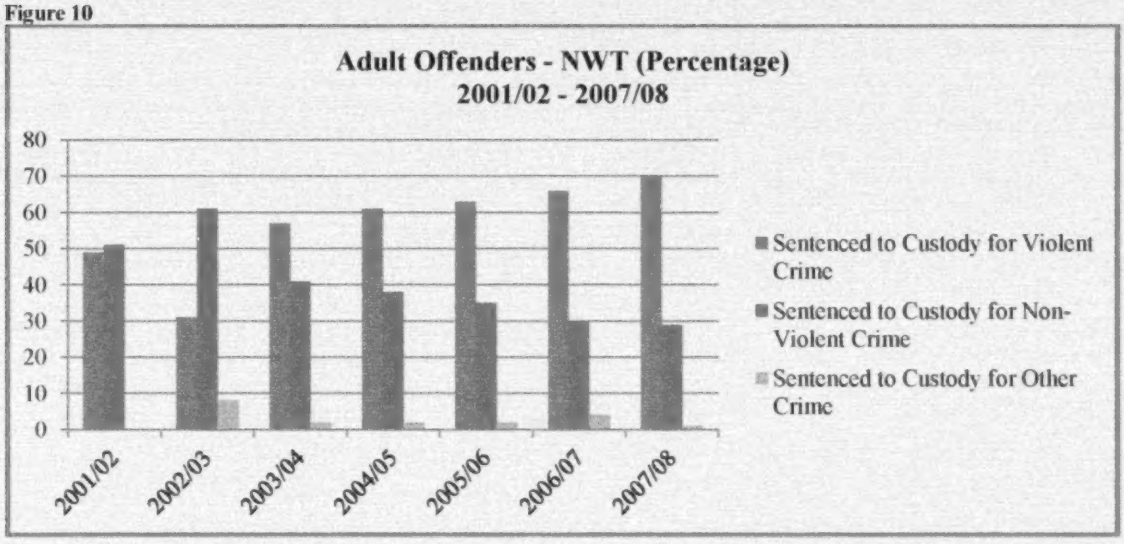
[4] For example, due to a change in Yellowknife RCMP reporting between 1999 and 2000, offences that used to be recorded as territorial offences – mostly *Liquor Act* offences – began to be reported as Other *Criminal Code* Offences. These offences mostly include mischief and disturbing the peace. A similar change in RCMP reporting took place between 2000 and 2002 in all other NWT communities. This led to an increase in the crime rate in those communities. Increases in offences such as mischief and disturbing the peace are typically linked to abuse of alcohol. This increase may be linked to resource development and higher income.

[5] Increases in the number of police officers in the NWT in the last 10 years could also be a factor in increases in reported crime. Police resources have increased by 34% during the 2000 to 2010 period. Increases in police could also result in decreases in crime as a result of crime prevention and community policing initiatives.

[6] *Police-reported Crime Statistics in Canada, 2009*, Statistics Canada

[7] Remand refers to a person ordered by the court to be held in custody while awaiting a further court appearance. These persons have not been sentenced and can be held for a number of reasons (e.g., risk that they won't appear for their court date, danger to themselves and/or others, risk to re-offend). Remand is a responsibility of provincial/territorial Corrections Services. *Correctional Services in Canada, 2007-2008 –Reference Tables*, Statistics Canada

Figure 10



The hardening of the offender population and a decline in the number of defense counsel is believed to be having an impact on the number of accused remanded and the length of time they remain in remand. Average daily remand counts have risen from 51 in 2005-06 to 79 in 2007-08, representing a 55% increase in remand over three years.[8] In 2005-06, the median time in remand served by adult offenders in the NWT was 28 days. In 2007-08, the median time in remand served by adult offender in the NWT was 29 days, which represents an increase of 4%.[9]

The increase in the remand population creates challenges for correctional facilities: in addition to managing a higher number of daily admissions and discharges, staff must respond to the unique needs of this challenging group. An increase in remand admissions also raises questions of programming for this group. Because they are awaiting trial there is sometimes a reluctance to participate in programming as it can be seen as admitting guilt.

The introduction of the federal *Youth Criminal Justice Act* (YCJA) in 2003 has also had a fundamental impact on corrections and community justice in the NWT. As stated in the Act: *"Canadian society should have a youth criminal justice system that commands respect, takes into account the interests of victims, fosters responsibility and ensures accountability through meaningful consequences and effective rehabilitation and reintegration, and that reserves its most serious intervention for the most serious crimes and reduces the over-reliance on incarceration for non-violent young persons".*

In line with these principles, the NWT experienced a drop in the incarceration of youth. In 2002-03, the year before the legislation came into force, the average daily count of young persons in sentenced custody was 99.5 and in 2008-09, the average daily count was 15.

In addition, the number of youth dealt with at the community level through warnings or sanctions (diversions) increased under this legislation: in 2006 (the last year that this information is available), 497 youth were charged, while 1,376 youth were dealt with in the NWT through warnings or sanctions.[10]

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[8] *Adult Correctional Services in Canada, 2007-2008 –Reference Tables*, Statistics Canada
[9] *Adult Corrections Services in Canada, 2006-2007* –Reference Tables, Statistics Canada
[10] Table 2. *Youth Crime Rate, Canada, Provinces and Territories, 2006*, Youth Crime in Canada, Statistics Canada

Community Policing Needs

During the next few years, there will be continued pressure to expand police resources. Aside from community requests for increased police presence – particularly in the smaller communities without detachments – there is also the growing need to respond to officer safety. In recent years, federal *Labour Code* decisions have increased minimum detachment staffing requirements from one to two officers. More recently, concerns about officer safety have led to the development of a national RCMP back-up policy that may require at least three to four RCMP members in each detachment.

In the short-term, officer back-up is provided by existing staff through standby pay and overtime. In the longer term, the Department may need to provide funding to permit the placement of additional officers in the two and three- member detachments if the RCMP amend their standards. Before committing to new resources for policing positions, decisions need to be made about the most effective model for providing a continuum of service to communities. Adding new officer positions will require significant financial investment. Also, infrastructure to support these new positions is the responsibility of the federal government and subject to their approval process. All of these resourcing challenges will make it more difficult to respond to requests for improved policing services in small communities in a timely manner.

In 2010 a new Commanding Officer was assigned to "G Division". The Department is encouraged by his support for community policing and for greater collaboration with community leadership.

Family Violence

Family violence continues to be an important issue in the NWT. According to research conducted by Statistics Canada, the risk factors associated with family violence include unemployment, social isolation, alcohol consumption and prevalence of common-law unions.[11] Many of these risk factors are present in NWT communities. High levels of family violence are seen in our communities as evidenced by our child protection issues, applications for emergency protection orders, shelter use, police reports of territorial spousal assault, and reports from front line workers who deal with family violence every day. The Department will continue to work with other GNWT departments, the RCMP and community agencies to improve existing responses, and to develop new approaches, including a program for men who use violence in intimate relationships (see Strategic Initiatives relating to the Implementing Phase II of the Framework for Action on Family Violence).

Impact of Federal Initiatives

Changes in federal legislation and funding can also have an impact on the justice system in the NWT. The current financial situation in Canada is leading to reductions or, at the very least, status quo funding from the federal government. This is despite the federal government's "get tough on crime" agenda which has resulted in the introduction of 18 justice or public safety related bills since March 2010.

Amendments proposed by the federal government include changes to the *Criminal Code of Canada* to limit the use of conditional sentences, to introduce more mandatory minimum sentences, and to increase penalties for some offences. It also includes Bill C-4 which proposes to amend the *Youth Criminal Justice Act* to introduce adult sentencing principles for youth and to allow the courts to detain high risk youth in custody pre-trial.

These legislative amendments, if passed, will have an impact on all aspects of the justice system in the NWT including police, courts, corrections, and legal aid. One example is the *"Truth in Sentencing Act"* which amends the *Criminal Code* to limit the credit a judge may allow for any time

[11] *Family Violence in Canada, A Statistical Profile 2008*, Statistics Canada.

spent in pre-sentencing custody in order to reduce the punishment to be imposed at sentencing, commonly called *"credit for time served"*. According to a report looking at the financial impact of this bill by the Office of the Parliamentary Budget Officer called "The Funding Requirement and Impact of the *"Truth in Sentencing Act"* on the Correctional System in Canada", this legislation is expected to result in an increase in total funding requirements for correctional departments in Canada from $4.4 billion in 2009-10 to $9.5 billion by FY2015-16, an increase of 116%. The federal share of this funding requirement is estimated to decline to 44% whereas the provincial share is estimated to rise to 56%

Although the federal Minister of Justice has acknowledged the impacts of legislative changes and recently committed to provide support to provinces and territories[12], there have been no announcements relating to increases in federal funding to assist with cumulative impacts of the "tough on crime" agenda.

Justice is monitoring the progress of the federal legislation and will need to adjust its plans to respond to these initiatives.

[12] Nicholson interview on CBC Radio – July 26, 2010.

3. 2011-12 Planning Information

The detailed description of planned activities for the department includes the following sections:

a) **Fiscal Position and Budget** provides information on the department's operation expenses and revenues.

b) **Key Activities** describes the department's major programs and services, including strategic activities, as well as results to date and measures.

c) **Infrastructure Investments** gives an overview of the department's infrastructure investments to date and activities planned for 2011-12.

d) **Legislative Initiatives** provides a summary of the department's legislative initiatives during the 16th Legislative Assembly as well as initiatives planned for 2011-12.

e) **Human Resources** includes overall statistics and position reconciliation, information on capacity building activities as well as departmental training and development.

f) **Information Systems and Management** describes department-specific information and management systems as well as major initiatives planned for 2011-12.

a) Fiscal Position and Budget

Departmental Summary

	Proposed Main Estimates 2011-12	Main Estimates 2010-11	Revised Estimates 2009-10	Actuals 2008-09
	($000)	($000)	($000)	($000)
OPERATIONS EXPENSE				
Services to Government	10,419	9,622	9,153	8,091
Law Enforcement	35,335	33,586	31,822	29,443
Legal Aid Services	5,896	5,642	5,202	4,676
Court Services	11,348	11,098	10,982	10,331
Community Justice and Corrections	35,238	33,733	34,936	34,707
Services to Public	4,715	4,311	4,041	3,704
TOTAL OPERATIONS EXPENSE	102,951	97,992	96,136	90,952

OPERATION EXPENSE SUMMARY

	Main Estimates 2010-11	Proposed Adjustments: Forced Growth	Proposed Adjustments: Strategic Initiatives	Proposed Adjustments: Sunsets and Other Adjustments	Proposed Adjustments: Internal Reallocations	Proposed Budget 2011-12
	($000)	($000)	($000)	($000)	($000)	($000)
Services to Government						
Directorate	1,575	53				1,628
Aboriginal Consultation			400			400
Finance	2,898	64				2,962
Legal Division	2,723	248				2,971
Legislation Division	1,290	53		(137)		1,206
Policy and Planning	1,045	42	127	(53)		1,161
Amortization	91					91
Total Activity	**9,622**	**460**	**527**	**(190)**	-	**10,419**
Law Enforcement						
Territorial Police Services Agree.	33,110	1,711	215	(177)		34,859
First Nations Policing	424					424
Biology Casework	52					52
Total Activity	**33,586**	**1,711**	**215**	**(177)**	-	**35,335**
Legal Aid Services						
Legal Services Board	2,426	30				2,456
Court Workers	1,113	42				1,155
Legal Aid Staff Lawyers	1,682	23				1,705
Family Law Clinic	381	159				540
Amortization	40					40
Total Activity	**5,642**	**254**	-	-	-	**5,896**
Court Services						
Court Admin	487	13				500
Court Library	257	6				263
Court Registries	6,531	137				6,668
Territorial Court	2,423	48				2,471
Justice of the Peace	575	3				578
Court Reporters	474	43				517
Amortization	351					351
Total Activity	**11,098**	**250**	-	-	-	**11,348**

OPERATION EXPENSE SUMMARY CONTINUED

	Main Estimates 2010-11	Proposed Adjustments: Forced Growth	Proposed Adjustments: Strategic Initiatives	Proposed Adjustments: Sunsets and Other Adjustments	Proposed Adjustments: Internal Reallocations	Proposed Budget 2011-12
	($000)	($000)	($000)	($000)	($000)	($000)
Community Justice and Corrections						
Corrections Administration	1,828	49				1,877
Community Corrections	2,920	99				3,019
Adult Facilities	18,539	618				19,157
Youth Facilities	5,277	192				5,469
Open Custody/Custodial Placement	787					787
Community Justice	2,693	333	218	(4)		3,240
Amortization	1,689					1,689
Total Activity	**33,733**	**1,291**	**218**	**(4)**	**-**	**35,238**
Services to the Public						
Public Trustee	375	14				389
Office of the Children's Lawyer	-		150			150
Coroner's Program	690	6		(2)		694
Rental Office	226	4				230
Legal Registries	1,885	96				1,981
Maintenance Enforcement	627	133				760
Protection Against Family Violence	421	3				424
Amortization	87					87
Total Activity	**4,311**	**256**	**150**	**(2)**	**-**	**4,715**
TOTAL DEPARTMENT	**97,992**	**4,222**	**1,110**	**(373)**	**-**	**102,951**

REVENUE SUMMARY

	Proposed Main Estimates 2011-12	Main Estimates 2010-11	Revised Estimates 2009-10	Actuals 2008-09
	(000)	(000)	(000)	(000)
TRANSFER PAYMENTS				
Federal Cost Shared				
Access to Justice	1,972	1,972	2,072	2,072
Youth Justice Services	3,059	3,059	3,059	3,059
Intensive Rehabilitative Custody	200	200	347	338
Exchange of Services	1,384	1,501	2,686	2,111
Community Parole	25	25	25	18
Police Services Agreement				800
Sundry (Federal Transfer)				23
Aboriginal Justice Strategy	316		316	316
Federal Programs				
Young Offenders Allowances	25	25	25	32
	6,981	6,782	8,530	8,769
GENERAL REVENUES				
Fees				
Public Trustee	87	87	87	112
Court	160	160	160	172
Access to Information and Protection of Privacy	3	3	3	
Land Titles and Legal Registries	4,054	3,780	3,780	3,993
Other				
Court fines	372	372	372	282
Interest	4	4	4	
	4,680	4,406	4,406	4,559
OTHER RECOVERIES				
Program Recipient Recoveries				
Legal Aid Repayments	60	60	40	82
Air Charter Recoveries	88	88	55	142
Sale of Publications	18	18	14	24
Maintenance Enforcement Program				
Attachment Costs	10	10	0	
Inmate Recoveries	7	7	6	10
	183	183	115	258
REVENUES	**11,844**	**11,371**	**13,051**	**13,586**

b) Key Activities, Strategic Initiatives and

KEY ACTIVITY 1: SERVICES TO GOVERNMENT

Description

Services to Government includes the corporate management activities of the Directorate, Policy and Planning, Finance and Information Services. It also includes services provided to other GNWT departments, boards and agencies. Legal Division provides advice and representation to all GNWT departments and specified public agencies. Lawyers conduct litigation, provide legal opinions, and advise on a wide range of matters, and one position is dedicated to prosecution of territorial offences. GNWT bills and regulations are prepared by or under the direction of legislative drafters in the Legislation Division, and legal translators prepare French versions of these documents. The Department is also responsible for providing advice and information to GNWT public bodies on the *Access to Information and Protection of Privacy Act.*

Major Program and Services 2011-12

Overall

The Department of Justice is continuing to take steps to strengthen services to government in the area of Legal Services (NWT prosecution service), and access and privacy protection. Justice is also establishing a new Aboriginal Consultation Unit.

Strategic Initiatives

Managing this Land

Continue to Develop Governance

Aboriginal Consultation Unit

As economic and resource development continues in the NWT, and as conservation and environmental issues arise, the need for the GNWT to engage in meaningful consultation with Aboriginal governments will continue to expand. It is imperative that the GNWT employs best practices in discharging consultation obligations, and those who carry out consultation activities have the necessary training and tools they require.

In 2011-12 Justice will establish an Aboriginal Consultation Unit to provide advice and legal support to GNWT departments engaged in consultation activities. This will include ongoing education for GNWT staff, and ensuring that the GNWT's Consultation Framework remains current as the law evolves and is applied in a uniform and consistent fashion across the GNWT.

Land, Resources and Self-Government Negotiations

Justice will continue to provide legal support to the Department of Aboriginal Affairs and Intergovernmental Relations (specifically the land claim and self-government negotiation teams). Legal counsel will attend negotiation sessions, advise on and draft various agreements, and provide oral and written legal advice to the Chief and Assistant negotiators as required. The GNWT is engaged in land, resources and self-government negotiations with the federal government and Aboriginal parties. Justice legal counsel supported these negotiations in 2010-11 and will continue to do so in 2011-12 and future years.

Devolution
Justice will continue to provide legal support to the Department of Executive to assist in devolution and resource-revenue-sharing negotiations with Canada.

Maximizing Opportunities
Maximize Benefits from Resource Development and Related Initiatives
MGP Strategic Investment (Coordination and Policing)
Mackenzie Gas Project (MGP) strategic investments will help to position communities, businesses and residents in the NWT to take advantage of opportunities associated with the MGP as well as to address any potential negative impacts from the project. Justice will continue to take steps to mitigate the impacts of large-scale resource development on the NWT justice system by planning for resource needs and fulfilling commitments made during the environmental regulatory processes.

Starting in 2011-12 a position will be established within the RMCP to focus planning efforts associated with the hiring and locating of additional RCMP positions so that there are sufficient officers in places when construction begins (see also strategic initiatives Law Enforcement).

Refocusing Government
Strengthen Service Delivery
Enhancing GNWT Oversight on Access & Privacy Functions
Justice is responsible for the *Access to Information and Protection of Privacy Act* (ATIPP). The Department provides all GNWT public bodies with oversight and expertise on access and privacy matters relating to ATIPP while continuing to respond to the increasing number of new access-to-information requests directed to the Department. Strategic investments in ATIPP oversight allows the Department to staff a permanent second position within the Access and Privacy Office to improve interagency and peer-to-peer communications and support, improve resources and training, as well as enhance advice and support to GNWT public bodies. These investments also allow the department to improve reporting on GNWT performance and enhance transparency. The first annual activity report on ATIPP administration functions in the GNWT will be completed in 2010.

Four Year Business Plan Update

Results to Date

Establishment of NWT Prosecution Service

In September 2008, the NWT assumed responsibility for prosecuting offences under territorial legislation. A prosecutor was hired by the Legal Division to assume prosecution duties in January of 2008, and spent approximately nine months seconded to the Public Prosecution Service of Canada for training and development. A memorandum of agreement was negotiated with the Public Prosecutions Service of Canada regarding their continued prosecution of some territorial offences. The agreement primarily addresses those territorial offences where charges are laid by the RCMP.

During 2009-10, the Department continued to develop the prosecutions service. Activities included training of GNWT officials responsible for the investigation of offences, facilitating transfers of probation orders to other jurisdictions, providing legal advice regarding the investigation and prosecution of offences, and appearing before various levels of court related to the prosecution of offences. Prosecutions include such matters as breaches of the *Wildlife Act*, *Protection Against Family Violence Act*, *Tobacco Control Act*, *Public Health Act*, *Forest Protection Act*, *Elections and Plebiscites Act*, *Environmental Protection Act* and other territorial legislation. Under the agreement with the Public Prosecution Service of Canada, legal counsel also provided some limited assistance in

the prosecution of offences under federal statutes, primarily the *Criminal Code of Canada* and the *Controlled Drugs and Substances Act*.

Improvements to Access to Information and Protection of Privacy Functions

In 2009-10, the Department reviewed and updated ATIPP policy documents and administrative tools that support access/privacy functions carried out by GNWT public bodies. ATIPP regulations relating to public bodies subject to the Act were also updated. An Access and Privacy Administration Committee was set up to enhance information exchange and provide peer support for access/privacy coordinators. Justice also researched ATIPP training options to ensure GNWT public bodies have the capacity to fulfill their responsibilities under ATIPP legislation. A two-year term position was filled to assist with the increase in Justice access-to-information requests and to help produce an annual activity report on the administration of the *Access to Information and Protection of Privacy Act*, including statistical information on ATIPP requests.

During 2010-11, the Department continued to provide support to GNWT public bodies through advice and expertise, ongoing committee work focusing on best practices in policy and administrative procedures, and training for access/privacy coordinators. This included research into new access/privacy tools such as privacy impact assessment templates and privacy breach protocols, and the development of online access and privacy training anticipated to be in place by the fall of 2010. An annual activity report on the administration of the *Access to Information and Protection of Privacy Act* will be prepared, which includes statistical information on formal access-to-information requests received by public bodies.

The Department is examining the federal *Personal Information Protection and Electronic Documents Act* to determine if there is a need for private sector legislation in the NWT. Justice is also working with the department of Health and Social Services on health information legislation and the department of Municipal and Community Affairs on options to address access and privacy considerations for municipal governments. This may include new legislation. Municipal and Community Affairs anticipates a work plan for this initiative by the fall of 2010.

KEY ACTIVITY 2: LAW ENFORCEMENT

Description

Policing services for NWT communities are contracted to the RCMP through an agreement between the GNWT and the Government of Canada. There are also cost-sharing programs with the Government of Canada with respect to First Nations policing to support additional RCMP resources for policing in the north. An agreement exists with Public Safety Canada to cost-share DNA testing and analysis.

Major Program and Service Initiatives 2011-12

Overall

Community policing is a priority of the GNWT and the Department of Justice. Each year policing priorities are established by the Minister of Justice and provided to the RCMP. In 2010-11 the priorities included the following:

1. **Aboriginal Policing** – The RCMP will work with the GNWT and communities in the NWT to build a policing service that reflects the people it serves.
2. **Strengthening Ties between RCMP and the Community** – The RCMP will
    - Improve public understanding and knowledge about policing services to ensure that NWT residents understand how the policing system works and why/how decisions are made.
    - Consistently ensure a community orientation is provided for all newly posted officers and encourage them to be involved in a range of community activities.
    - Ensure efficient and transparent resolution of complaints against Members.
3. **Policing in Small Communities** – It is essential that regular patrols are made to communities without a resident detachment and that members participate in community activities that promote their presence and involvement in the community.
4. **Strategy to Combat Drug and Substance Abuse** – A comprehensive drug and substance abuse strategy aimed at increasing awareness, reducing demand, and apprehending and prosecuting offenders is essential.
5. **Strengthening Support Services to Victims of Crime** – It is important to recognize the unique needs of victims. Treating them with respect must be a priority of police to help bring closure, and resolve the complex issues related to victimization. Effectively addressing family violence in the NWT involves:
    - understanding the dynamics of family violence;
    - being a central part of a coordinated community response;
    - understanding police responsibilities and duties as designates under the *Protection Against Family Violence Act*; and
    - awareness and adherence of G Division Family Violence policies

    Effective services to victim of crime should be monitored through the annual review of the NWT Wide RCMP victims Services Referral Protocol.
6. **Youth Diversion and Alternative Measures Programming** – The RCMP must continue to work in close conjunction with the GNWT and community based organizations to ensure that youth and adults matters are diverted from the courts, when appropriate; supporting the principle that court is a last resort.

Work to advance these priorities in 2011-12 includes the following initiatives:

Strengthening Relationships

Justice will formalize the community-based orientation/ cultural awareness process which will include an enhanced role for aboriginal policing positions. To support this process, the Department will develop a strategy and supporting materials, and staff will also work with residents and RCMP to sustain the orientation process. The Department will also continue to work with the RCMP and residents of the NWT to enhance accountability through better communications and meaningful community-based planning, including building links with community justice committees

Operations and Communications Centre

Justice is working with the RCMP to maximize the role of the Centre and to better communicate their purpose to residents. As part of this work the Department will look at improved responses and services for unilingual residents.

Federal First Nations Policing Policy (federal policy)

The NWT views the First Nations Policing Policy as a method for addressing policing challenges in the north associated with cultural diversity and orientation of new members, language issues, policing remote and Aboriginal communities, and the steady increase in the costs of policing.

Public Safety Canada is concluding a review of the federal policy in 2010-11. This review is expected to result in either an extension of the program to the north or the development of specific provisions for the north. If the program is extended to north, the NWT would see a better funding arrangement for aboriginal RCMP positions from the current cost-sharing arrangement of 30% federal and 70% GNWT ration to a 52% 48% GNWT ratio.

Should this occur the Department will work at implementing the federal policy in the NWT. If the policy is not extended to the north, the Department will continue to work collaboratively with its territorial partners to develop and promote alternatives to the federal government such as those contained in the Territorial Policing Policy Framework.

Territorial Policing Policy Framework (territorial framework)

Justice will work with the RCMP and other territories to lobby the federal government for resources to implement an action plan that advances the interests of the three territories as stated in the territorial framework. The NWT will also examine activities to see what can be accomplished with existing resources. This could include working with Nunavut and Yukon to consider common issues and sharing resources, (i.e. complaints process). The three territories have agreed to meet regularly to consider opportunities for collaboration.

Complaints Against the RCMP

Justice will implement and monitor the process for investigating complaints in the NWT as established by the federal legislation, and work with the RCMP if improvements are required. The Department will work with the RCMP to review and implement recommendations arising from the public complaints process, and work with federal counterparts to support collaborative approaches to making improvements.

Territorial Police Services Agreement

The revised contract for policing in the NWT is expected to be signed in the summer of 2011. This timeline will ensure the new agreement is in place and that implementation details have been worked out prior to the expiration of the existing agreement in 2012. Once the new agreement is in place the

NWT will work with RCMP "G Division" to implement the contract and with FPT contracting jurisdictions to develop a joint work plan in support of increased accountability measures outlined in the contract.

DNA Analysis Agreement

Justice along with other provinces and territories will continue discussions with the federal government on a new governance and service model for DNA analysis services. A new agreement will be developed which may result in higher costs for the NWT for DNA analysis services from the RCMP.

Strategic Initiatives

Building Our Future

Implement Phase II of the Framework for Action on Family Violence

RCMP Family Violence Coordinator

In 2007, the GNWT endorsed the *NWT Action Plan on Family Violence – A Framework for Action Phase II*. This plan builds on the strengths of Phase I and includes a number of recommendations for the RCMP in the NWT. The creation of a dedicated position at "G" Division in 2011-12 will assist the RCMP to respond to the Phase II recommendations and help to advance the entire family violence agenda over the longer term, while ensuring consistently high investigation standards for family violence cases are met. This position will also allow the RCMP to work with the GNWT and Public Prosecution Service of Canada to improve outcomes in family violence cases.

Increase Safety and Security

Enhance Policing Services

Starting in 2008, the Department provided additional funding to the RCMP to enhance the NWT's eight two-member detachments and cover overtime and standby pay in response to court rulings on the *Canada Labour Code* on an employer's general duty to protect the health and safety of every person employed. Justice is responsible for continuing this support and has been working with the RCMP to develop a long-term plan to ensure that the amount of shift or standby time that RCMP (providing policing services in small community detachments) is reduced.

Policing in Small Communities

In the summer of 2008, an RCMP detachment was re-established in Sachs Harbour. Since then work has proceeded to open detachments in Gamèti and Wrigley, including staffing of two RCMP officers for each community to provide support from Yellowknife and Simpson.

Other options have also been explored to provide enhanced police services in the smaller remote communities without resident RCMP officers. Since 2008 Justice has continued its support of the relief unit. The unit was developed to enhance officer security and service to NWT residents, particularly in those communities without detachments. In 2010-11, three members were added to the relief unit to continue to meet service demands and ensure officer safety.

Given the limited capital dollars available to the RCMP for new detachments, Justice will continue to work collaboratively with the RCMP on efforts to support improved service to Gamèti and Wrigley, including development of infrastructure for new detachments. Justice will also conclude work into the feasibility of peace officer legislation to expand options for policing in small communities. One option that is being implemented is the federal Aboriginal Community Constable Program, also referred to in the NWT as the community officer program. Recruitment has concluded for the pilot project and three applicants from the NWT will attend training in the winter of 2010-11. These recruits will be posted by the RCMP to communities upon completion of training.

Justice

In 2011-12, the RCMP, in consultation with the communities, will develop performance plans in six "pilot" communities. These plans will be consistent with work that communities do as part of the Community Safety Strategy to "map" local justice issues (information about the Strategy under the Community Justice section). Starting in 2012-13 the RCMP will develop performance plans in collaboration with all communities.

South Slave Drug Interception Team
In 2008-09, Justice worked with the RCMP on a business case to obtain a dog and handler to be located in Hay River. In December 2009, an officer was hired and officially relocated with his service dog to Hay River.

As drug enforcement is a federal responsibility, Justice continues to work with the RCMP and federal government to obtain the required resources to target illegal drug use and importation of drugs into the NWT. In the meantime, existing resources assigned to the Drug Unit, Highway Patrol, southern based detachments and the new police service dog will assist in deterring illegal drug use.

In 2011-12, and future years Justice will continue to work with the RCMP and communities to combat and decrease the impact of illegal drugs and substances throughout the NWT. Related actions include consultation on the community safety strategy and support for the *Not Us!* anti-drug strategy. Both initiatives will involve partnerships with the RCMP and other agencies at both the territorial and community level. After 2011-12 further resources will be required to continue the *Not Us!* strategy.

These actions help to advance the GNWT and departmental priorities to improve community safety (see strategic initiatives – Reducing Drug and Alcohol Related Crime, Enhanced Crime Prevention and Community Safety Strategy in the section on Community Justice).

Maximizing Opportunities
Maximize Benefits from Resource Development and Related Initiatives
MGP Strategic Investment (Coordination and Policing)
In 2011-12, a position will be established within the RCMP to focus planning efforts associated with the hiring and locating of additional RCMP positions so that there are sufficient officers in place when construction begins. (See MGP activities under Services to Government.)

Four Year Business Plan Update

Results to Date

Strengthening Relationships

In 2008-09, Justice hosted community-based meetings to build relationships with communities and the RCMP. These meetings were in addition to the work RCMP do with residents to develop plans and priorities for policing in their communities. The Department also worked with the RCMP on a cultural awareness program that was piloted in the Beaufort Delta with the assistance of the Inuvialuit.

In 2009-10, Justice reviewed the results of the Beaufort-Delta cultural awareness program. The Department also discussed cultural orientation of RCMP at a number of meetings in the NWT and with other provincial and territorial representatives, including at the crime prevention conference in the spring of 2010. Consistent with the theme of the conference ("together we are better") participants supported a community-based orientation process.

In 2010-11, Justice is working with "G" Division and communities to develop a community-based process to welcome new members of the RCMP and to provide them with an orientation based on community involvement and interests. This community-based orientation will include a cultural

component. The Department is also working with the RCMP and federal partners in order to take full advantage of the aboriginal policing positions. These officers play an important role in the RCMP as local and cultural ambassadors and can contribute to meaningful community-based cultural awareness. The Department will continue to work with the RCMP and residents of the NWT to identify priorities, enhance communication between communities and the RCMP, and to make plans for policing in communities.

Operations and Communications Centre

The Centre provides administrative and 24-hour communications support to community detachments. When officers are not available, calls are automatically routed to the Centre. In 2009-10, three additional positions were staffed at the Centre and nine administrative support positions were created. In 2010-11, six additional positions were staffed at the Centre. These additional staff are contributing to a more effective operation; improving safety for members and the public.

Federal First Nations Policing Policy (federal policy)

At the federal/provincial/territorial Ministers of Justice meetings in both 2008 and 2009, the NWT Justice Minister, together with the Nunavut and Yukon Ministers, pressed the federal government to expand the First Nations Policing Policy to the north. There was recognition from other jurisdictions and the federal government about the specific policing challenges that exist in the north.

In 2009-10, discussions continued with the federal government on the application of the federal policy in the north. The federal government agreed that the federal policy should apply in the north but could not identify funding. Further discussion was delayed pending the completion of a national review of the federal policy initiated by the federal government.

The review of the First Nations Policing Policy started in early 2010 and is expected to be completed in the fall. The NWT is working with the other territories to continue to pressure the federal government for funding under the federal policy or, implementation of an effective, well-funded Territorial Policing Policy Framework. Current discussions with the federal government are focusing on the unique needs in the three territories and Labrador, and how best to address them.

Territorial Policing Policy Framework (territorial framework)

At a pan-territorial meeting in Whitehorse in the spring of 2009, the three territories agreed to advance the territorial framework as an alternative to the First Nations Policing Policy. This approach recognizes the long standing challenges in having the federal policy applied and funded across the north, including its limited application due to its current structure. The three territories agreed to advance a territorial framework as an alternative to the First Nations Policing Policy.

In 2010-11, the NWT is continuing work with the RCMP and the other territories to advance a territorial framework with the federal government through the development of an action plan. This plan will provide concrete actions that the three territories can implement, either with or without the federal policy in the north. Although the territories share common goals for policing, activities will not be the same across the three territories. It is important to maintain the uniqueness of each territory while continuing to work toward the shared interests of improved policing in the north.

Complaints Against the RCMP

In 2009-10, the NWT worked with other provinces and territories on a review of the 49 recommendations arising from the *Task Force on Governance and Cultural Change in the RCMP*

Report: Rebuilding the Trust (also known as the Brown Task Force Report), and lobbied the federal government to bring forward legislation to improve the approach to complaints against the RCMP. In the NWT the Department and RCMP "G" Division have established a protocol to address complaints at the community level. This process encouraged residents and police to work together to resolve local problems while also supporting the public complaints process.

In June 2010-11 the federal government introduced legislation to establish a modern and independent review and complaints body for the RCMP. The bill proposes a process for independent review of incidents involving RCMP members, as well as a means to involve independent observers and an appeal process if an individual who files a complaint is dissatisfied with the outcome. This legislation is intended to cover a broad spectrum of complaints, including those rare but very serious cases when police officers are involved in situations where life is lost, serious injuries sustained or sensitive matters of public confidence and trust are raised.

Territorial Policing Services Agreement

In the spring of 2008, the NWT hosted a meeting in Yellowknife to discuss the renewal of the contracts between Public Safety Canada for RCMP services and all contracting jurisdictions. Contracting provinces and territories had agreed to negotiate as a block with the federal government, and were looking for more accountability, greater cost effectiveness and more responsiveness from the RCMP in providing police services. Provinces and territories developed a work plan to guide the contract renewal process, and work in 2009-10 focused on research and information gathering leading up to having a draft agreement by 2010.

In 2010-11 the Department is continuing to participate on the federal/provincial/territorial contract advisory committee to develop a new contact with the RCMP by 2011. Contracting jurisdictions have developed the following principles for a new agreement with the RCMP:

- The RCMP must be accountable and responsive to the appropriate minister within each jurisdiction.
- The new agreement must allow existing complaint systems, policing policies and standards to be coordinated and must increase transparency and accountability to the public.
- The federal government's share of the cost must adequately reflect the true benefits the federal government gets from the RCMP.
- The new agreements must help the provinces and territories to deliver policing services effectively and efficiently. They must encourage the development of new models for policing in those jurisdictions, including future local initiatives.

Justice continued working with the RCMP to make sure that policing services are delivered in the NWT in accordance with the current agreement and priorities established by the Minister of Justice for the NWT.

DNA Analysis Agreement

DNA analysis services are provided by designated RCMP forensic laboratories to support police work across Canada on criminal investigations. The Department, along with other provinces and territories, began work in 2008 on the development of a new model for DNA analysis service delivery and cost-sharing. Status quo agreements for the services were extended as an interim step.

Measures Reporting

The NWT contracts the RCMP to provide territorial level policing and pays 70% of contract costs. The remaining 30% of the costs come from the federal government. The federal government through the RCMP is responsible for the enforcement of federal statutes, and for providing services such as forensic laboratories, identification services, the Canadian Police Information Centre, and the Canadian Police College.

Since the division of the NWT and Nunavut in 1999, the NWT has increased the number of RCMP members in community detachments by approximately 32%, (from 165 funded positions in 1999 to 212 in 2009). Nationally, the NWT has the highest rate of police per 100,000 population. In 2009, the rate of police was 411 in the NWT, 378 in Nunavut, 353 in Yukon, and 196 nationally. The higher rate in the three territories is related to higher crime rates and other challenges associated with providing services in small and remote communities.

Aside from Gamètì and Wrigley (where work is proceeding on opening new detachments), there are 10 communities without detachments: these communities receive their policing services out of larger centres. In addition to communities without detachments, there are also 12 communities with small two- and three-person detachments. Relief and backup support is provided to these small detachments from larger detachments.

The following measures address concerns about the provision of policing services to communities without detachments, RCMP support to victims of crime and the RCMP response to family violence.

Measure 1

Number of days officers were on regular patrol in communities without detachments

RCMP officers were on patrol in the 10 communities without detachments a total of 1,471 days in 2008-09 and a total of 1,611 days in 2009-10.[13] This demonstrates a 10% increase in the RCMP's patrolling services to these communities. Officers also initiate or participate in a variety of community-based activities such as school visits, education sessions, community feasts, leadership meetings and orientation of new members. These activities support community policing by increasing the visibility and involvement of officers in the community.

Measure 2

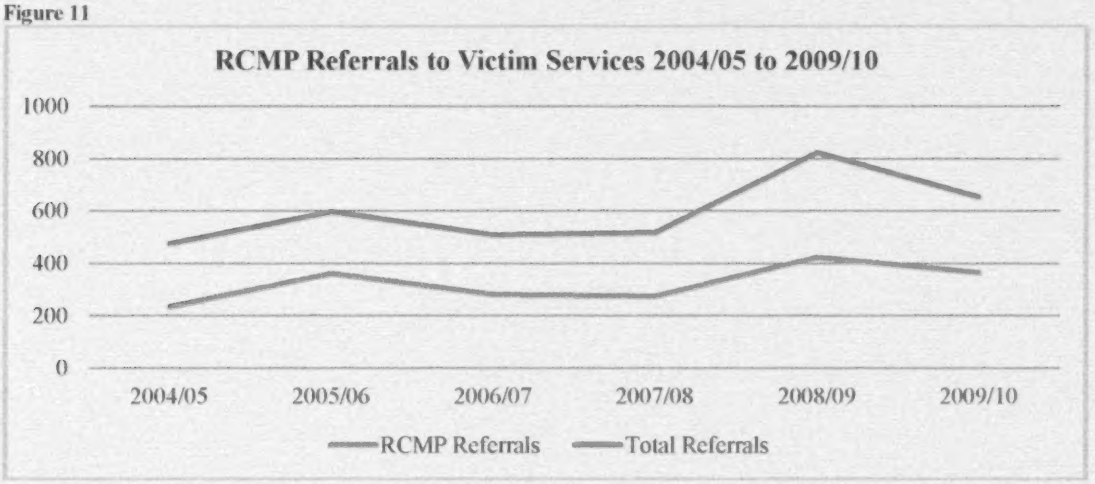
RCMP referrals to victim services

The number of referrals from the RCMP to victim services has increased from 235 in 2004-05 to 365 in 2009-10, representing an increase of 55%. The RCMP play an important role in connecting victims of crime with victim service workers. Their referrals make up approximately 56% of the total number of referrals.

The increase in referrals in 2008-09 can be attributed to the signing of the Victim Services Protocol which resulted in more referrals being made in that year. The decrease in 2009-10 is due to missing data from victim service workers in two communities (Figure 11).

[13] *Information on patrols provided by RCMP 'G' Division.*

Figure 11



Measure 3

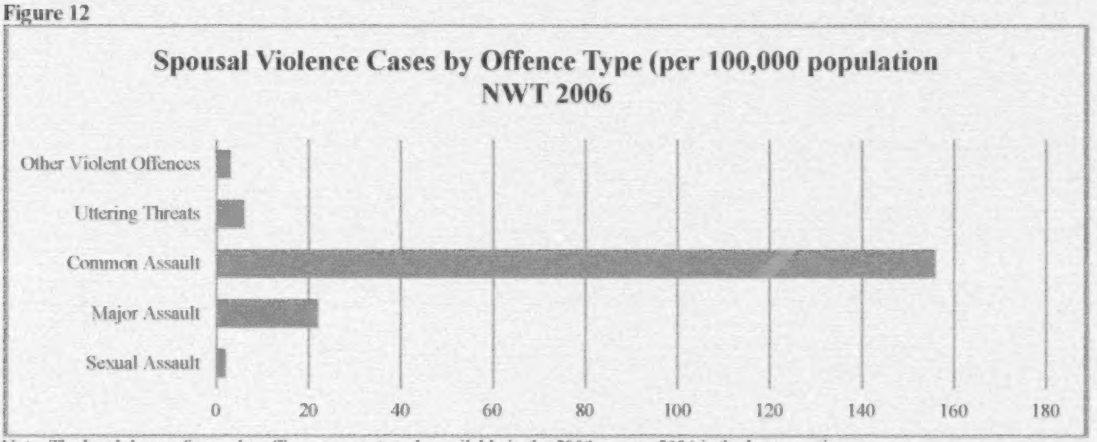
Percentage of spousal violence cases where charges are laid

As there is no specific offence of "spousal violence", Statistics Canada relies on reports from police on offences that are related to spousal violence, such as common assault, assault with a weapon, sexual assault and stalking. On these cases, police report the sex of the offender, the sex of the victim and the relationship between the victim and the offender. Those cases where the victim and offender are reported to be spouses would be included in the total count of "spousal violence cases".

In 2006, in the NWT 83% of spousal violence cases reported by police were identified as common assault, and 61% of these cases were dealt with by charge (Figure 12). In the Yukon and Nunavut, 87% of cases were dealt with by charge[14].

The rate (per 100, 000 population) of spousal violence in the NWT for 2007 was 1,605. This rate was second-highest in Canada, following Nunavut which reported a spousal violence rate of 2,472. The national rate of spousal violence in 2007 was 188.[15]

Figure 12



Note: The breakdown of cases by offence was not made available in the 2009 report. 2006 is the last reporting year.

[14] *Family Violence in Canada: A Statistical Profile, 2008*, Statistics Canada.

[15] *Family Violence in Canada: A Statistical Profile, 2009*, Statistics Canada.

In the vast majority of police reports of spousal violence, nationally and in the NWT, the victim of the offence is female. In 2007, the victim was female in 82% of the spousal violence incidents reported by police in Canada, and 86% in the NWT.

KEY ACTIVITY 3: LEGAL AID SERVICES

Description

The **Legal Services Board** is established under the *Legal Services Act*, and is responsible for ensuring that all eligible persons in the NWT receive legal aid. The Board provides legal services for most criminal and family law matters, and some civil cases. It determines eligibility for legal aid in accordance with the parameters established by the *Legal Services Act* and Regulations. The Board is also responsible for the court worker program and public legal education.

Major Program and Service Initiatives 2011-12

Overall

Justice and the Legal Services Board (the Board) are working to modernize and maximize the quality of legal services provided to NWT residents and to ensure minimum waiting times for those services.

Legal Aid – Modernize and Improve the Cost Effectiveness of the Legal Services Program

Justice is planning for new legislation to modernize and improve the cost-effectiveness of the legal aid program to come into force in 2011-12. The Department will work with the Board to implement the new legislation.

As well, another staff lawyer will be hired by the board for a total of 14 lawyers in four legal aid clinics in the NWT.

Enhanced Court Worker Services

Justice will work with the Board to pilot an integrated/collaborative justice model. This model will, among other things, see court workers playing a more prominent role in ensuring that clients have access to justice and other social programs and supports early in the justice system process. The overall goal of this initiative is to help clients access the services that they need in order to deal with underlying issues. It is expected that this will mean better results for both clients and the justice system. As part of this initiative, the Board will continue to provide regular training to court workers to build competencies.

Public Legal Education and Information

In 2011-12 the Board in partnership with Justice will continue to develop/update brochures and booklets for self-represented litigants as well as information about family law and other legal topics which are of interest to the public.

Strategic Initiatives

No strategic initiatives are associated with this key activity.

Four Year Business Plan Update

Results to Date

Modernize and Improve the Cost Effectiveness of the Legal Aid Program

In 2008-09, the Department and the Board completed research into possible changes to the legislation

to modernize and improve the cost-effectiveness of the legal aid program. In 2009-10, the Department began work on the legislation, which is planned for introduction in 2011.

In 2008-09 and 2009-10, the Department examined resource requirements to try to address the shortage of lawyers and backlog of cases. This research revealed that the factors driving the workloads of the courts (crime severity and case complexity) also impact on the workload and demands of the legal aid program. In 2010-11, another legal aid law office was created to deal with these challenges. Two staff lawyers and an administrative assistant were hired.

Enhanced Court Worker Services

In 2008-09 and 2009-10, the Department conducted research into the feasibility of extending the support provided by court workers beyond criminal law to civil and family court matters. This research was focused on making the most effective use of the court worker positions and resulted in a comprehensive design (*NWT Court Workers Services Analysis*) for making the best use of court workers by enhancing skills and scope of duties.

Building on the *NWT Court Workers Services Analysis* in 2009-10, the Department received funding to support a design study on the application of an integrated service delivery model for delivery of legal services. In this model, community court workers are proposed as the primary point of contact for people seeking legal services. This work has links with the family law reform initiative (see Services to the Public section for information on the strategic initiative Family Law Programs and Services) and will enhance services in rural and remote communities. The Legal Services Board provided initial training to court workers on family law concepts in anticipation of an expanded service delivery model.

In 2010-11, the Department and the Board are continuing this work. It is anticipated that the design study will be completed in the fall of 2010.

Public Legal Education and Information

In 2008-09, the Department distributed the Family Law Guide to front-line workers and community contacts along with brochures on custody, access, separation and divorce. Training was provided to community court workers to help them use the Family Law Guide when assisting clients.

In 2009-10, the Department distributed information on changes to the *Maintenance Orders Enforcement Act*. The Department and Board will continue to develop brochures and booklets for self-represented litigants as well as information about family law and other legal topics which are of interest to the public.

In 2010-11, the Department with the NWT Rental Office developed all new resources for the public on the amended the *Residential Tenancies Act*, including a new booklet and fact sheets on commonly asked questions. This updated information included highlights on changes to the Act that came into force on September 1, 2010.

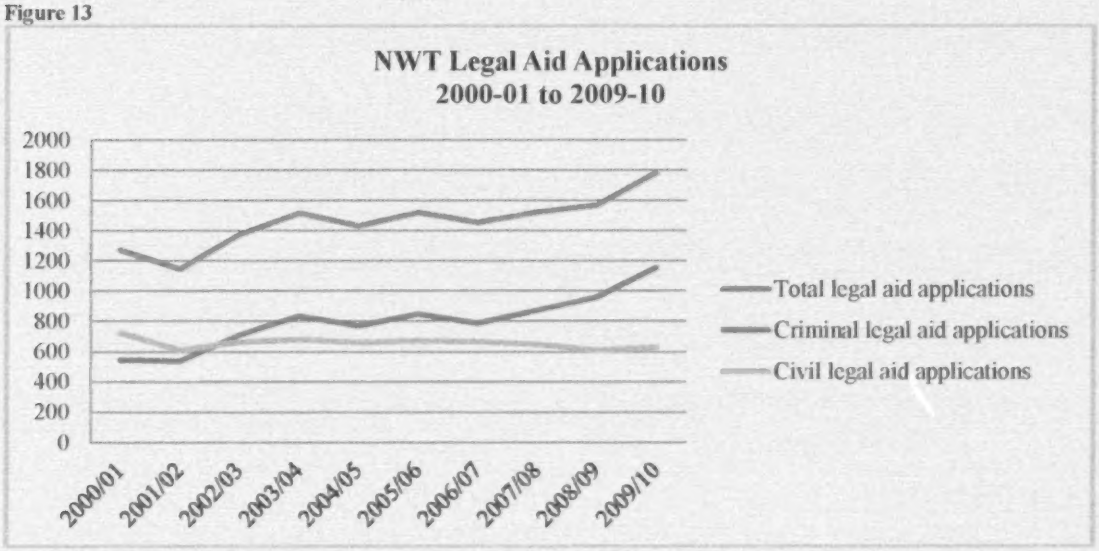
Also in 2010-11, Justice produced brochures providing information on the Parenting After Separation Program and an illustrated book for kids (ages 7-12) discussing areas such as divorce, family law and bullying. As well, booklets on what to do if you have been arrested and charged were provided to court workers for community distribution. The Department and the Board are continuing to identify legal topics of interest to the public and developing materials to respond to this need. This includes updating materials that have previously been developed.

Measures Reporting

The demand on the legal aid program is increasing in both criminal and family/civil law cases. More staff positions to work on family law cases have resulted in a reduction in the backlog of family law services. At the same time, the services provided by the private sector are in decline and there have been increases in costs associated with the program. Further analysis is being done to determine what impact these factors will have on the program and resources.

Measure 1
Number of applications for criminal and civil legal aid
Residents of the NWT have access to legal aid for criminal and civil matters. Court workers provide assistance on all applications. In 2009-10, a total of 1,785 applications for legal aid were made; with 1,156 for criminal matters and 629 for civil matters.[16] From 2000 to 2009, the total number of legal aid applications has increased by 40%. In the year 2008-09 to 2009-10 applications increased by about 14% overall (Figure 13).

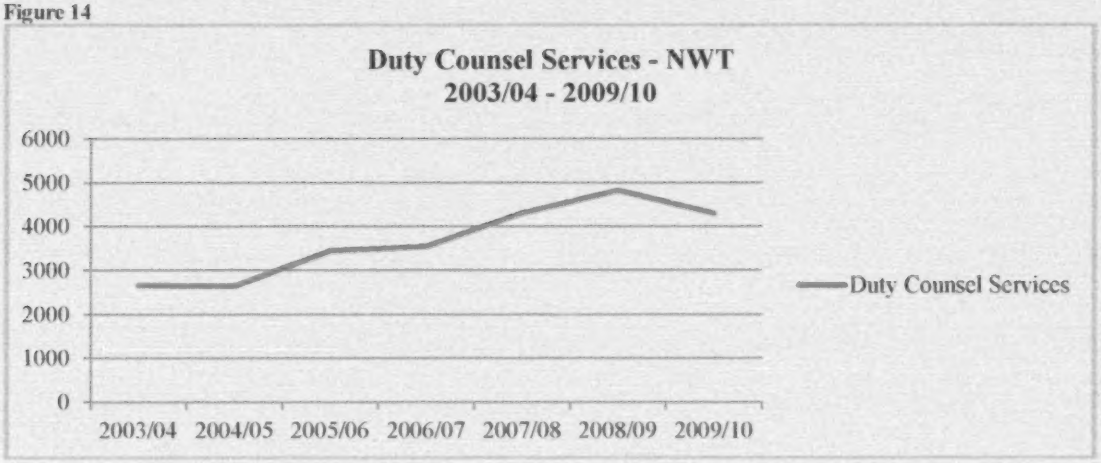
Figure 13



The statistics in Figure 12 do not include criminal matters where an application for legal aid is not required. Under the presumed-eligibility policy, accused persons are provided with certain legal services by duty counsel (including the conduct of a sentencing hearing) without having to make an application for legal aid. Applications for legal aid are made in the criminal context when a matter is proceeding to trial or there is some other complexity associated with the matter. In 2008-09, lawyers provided 4, 298 duty counsel services to clients under the presumed-eligibility policy. The number of duty counsel services had been rising steadily since 2003-04. The decline in the last year is due to missing data from some lawyers providing these services and does not reflect a drop in duty counsel services (Figure 14).[17]

[16] Data for 2009-10 is provided by the Legal Services Board with prior years from *Legal Aid in Canada; Resource and Caseload Statistics - ,2007/08* Statistics Canada.
[17] Data for 2009-10 is provided by the Legal Services Board; prior years from *Legal Aid in Canada: Resource and Caseload Statistics – 2007/2008,* Statistics Canada.

Figure 14



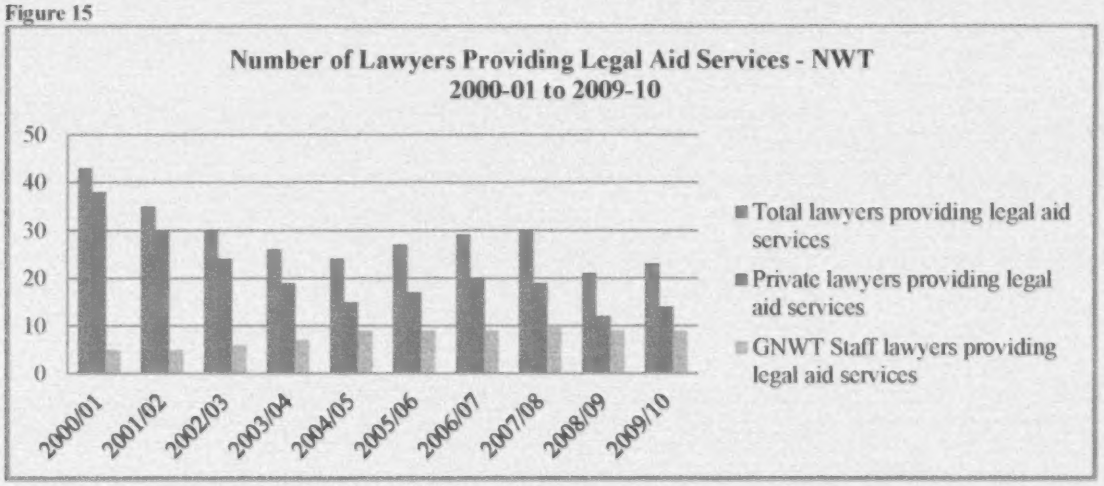
Measure 2

Backlog of family law legal cases

Clients are assigned legal aid lawyers on a priority basis. Over the last eight years, the backlog has ranged from 45 to 134 clients waiting to be assigned lawyers. In an effort to address the backlog and deal with the shortage of private lawyers (and particularly family law lawyers) willing to take on legal aid cases, the Department has increased the number of staff lawyers with the Board. As a result the time to be assigned counsel is done to about two months, although each case is assessed to determine if time-sensitive considerations need to be factored in. For example, matters involving child protection or matters with pending court dates are not subject to the waiting period.[18]

The total number of lawyers providing legal aid services in the NWT in 2009-10 is significantly less than the number providing legal aid services in 2000-01(Figure 15).[19] During this period, the number of applications has increased.

Figure 15



[18] Data for 2009-10 is provided by the Legal Services Board.

[19] Data for 2009-10 is provided by the Legal Services Board; prior years from *Legal Aid in Canada: Resource and Caseload Statistics – 2007/2008*, Statistics Canada.

KEY ACTIVITY 4: COURT SERVICES

Description

Four levels of court – Justices of the Peace, Territorial, Supreme and Appeal – collectively represent the judicial branch of government. The courts are independent of the executive (GNWT public bodies) and legislative (Legislative Assembly) branches of government.

The **Court Services Division** is responsible for providing administrative support to the courts. These support services ensure courts are accessible, impartial and timely.

Major Program and Service Initiatives 2011-12

Overall

The Court Services Division is researching and implementing alternative methods to improve access to services provided to the public, judiciary and the bar. This includes efforts to improve access to courts through the use of electronic forms, improved information on the website and by scanning and providing court files electronically. Depending on the results of a feasibility analysis, court documents including forms may eventually be filed electronically.

Justice is exploring the option of a specialized domestic violence treatment option court. Experience in other jurisdictions indicates that these specialized courts can lead to better outcomes for both the perpetrators and the victims of domestic violence.

Improve Information and use of Technology

In 2011-12 Justice will continue to post forms on the courts website that will help the public and counsel. Ongoing updates to information will be required. The Department expects to continue implementation of the document imaging project with all active and new files. The Department will assess and make recommendations on the feasibility of implementing e-filing linked to the document imaging system, and the use of video conferencing in various courts.

Domestic Violence Treatment Options Court

In 2011-12, in conjunction with the judiciary, the Department will conclude research into the feasibility and implementation of a domestic violence treatment options court. This specialized court would provide better outcomes for both perpetrators and victims of domestic violence.

Alternative Dispute Resolution (ADR)

Justice will continue work to determine the feasibility of offering ADR services for civil matters. Alternative Dispute Resolution through arbitration and mediation not as formal and procedurally complex as court, and there is less reliance on lawyers. The Department currently offers a free family law mediation program; an expanded ADR program would provide an option for those trying to resolve disputes involving smaller contracts, services or employment matters.

Improve Fine Collection

In 2011-12 Justice plans to work with other departments to develop and implement new methods for the collection of court fines (other than *Motor Vehicle Act* fines). This may include legislative amendments. The Department anticipates implementing on online payment system that will allow residents to pay fines or fees owed online.

Strategic Initiatives

No strategic initiatives are associated with this key activity.

Four Year Business Plan Update

Results to Date

Improve Information and Use of Technology

In 2008-09, commonly used forms were revised and posted in English and French on the NWT Courts website. In 2009-10, more forms were updated. Work began on the potential for electronic filing of courts documents.

In 2010-11, Justice continued research on the potential for electronic filing and expects to implement document imaging technology before the end of 2010 if financial resources are available. Document imaging will allow electronic management and access to court files. Work continued to improve forms most frequently used by the public and to ensure that information provided by the courts is in plain language and receives approval by the judiciary. The courts website is also being redesigned to make it more user friendly.

Domestic Violence Treatment Options Court

In 2010-11, an *ad hoc* working group comprised of representatives from Justice, the Public Prosecution Services of Canada and the defense bar was formed to compile and analyze data on treatment options and services as well as existing domestic violence treatment options courts across Canada.

Alternative Dispute Resolution (ADR)

In 2010-11 Justice began work to determine the feasibility of offering ADR services for civil matters.

Improve Fine Collection

In 2008-09, Justice instituted a new process to improve fine collection. People who have unpaid fines received a summons to return to court. This provides the people with an additional opportunity to pay the fine without returning to court.

In 2009-10, the Department researched options (including legislation) for collecting non-*Motor Vehicle Act* fines, including restriction of motor vehicle licences. The *Summary Convictions Procedures Act* was amended to allow for automatic convictions for tickets and to increase the fine for failing to appear. These measures are expected to result in improved fine collection and better use of policing resources.

In 2010-11, Justice continued discussions with other Departments on options for the collection of non-*Motor Vehicle Act* fines including the restriction of motor vehicle licenses. The Department will also conclude research on online payment approaches.

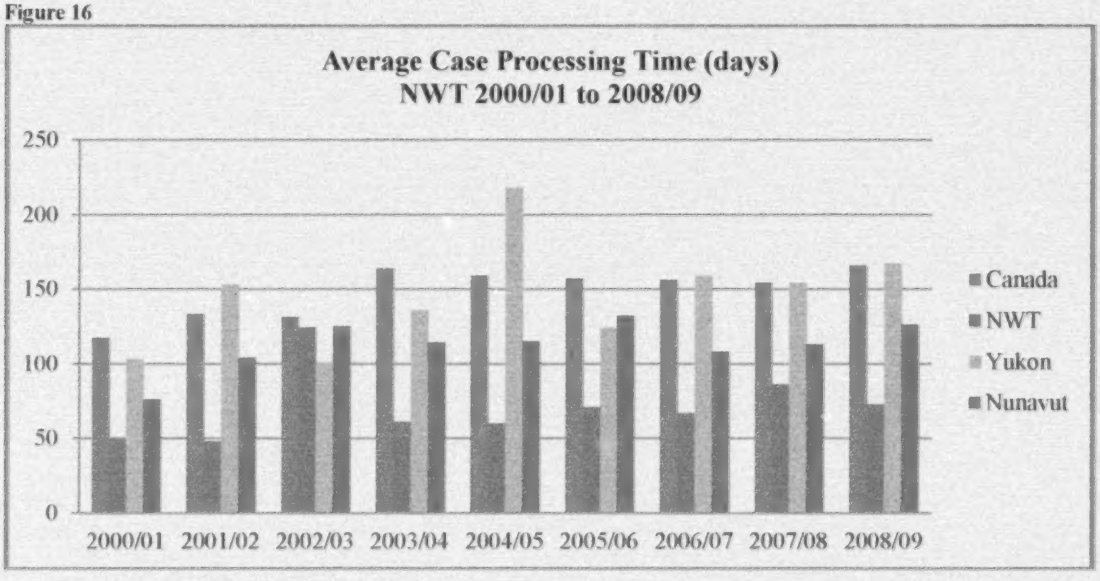
Measures Reporting

Measure 1
Court processing time

A basic principle of the Canadian criminal justice system is that an accused person has the right to be heard in a timely manner. Preparations for each case start in the court registry with the scheduling of the first court appearance, and involve the continued coordination of judicial resources throughout the criminal court process. There are a variety of factors, many of which are not under the direct control of the courts, which affect both case management and processing, i.e. shortage of lawyers, increases in crime severity and case complexity. According to information from Statistics Canada, adult criminal cases in the NWT have become more complex in recent years. Cases involving multiple charges represented 58.4% of the adult caseload in 2008/2009, compared with 54.1% in 2004/2005.

In Canada, the average elapsed time from first to last court appearance was 166 days in 2008-09. In that year, adult criminal cases in NWT courts were processed in an average of 73 days. Although the NWT has one of the shortest processing times in Canada, this is an increase from earlier lows when the average processing time for the NWT was between 50 and 60 days (Figure 16).[20]

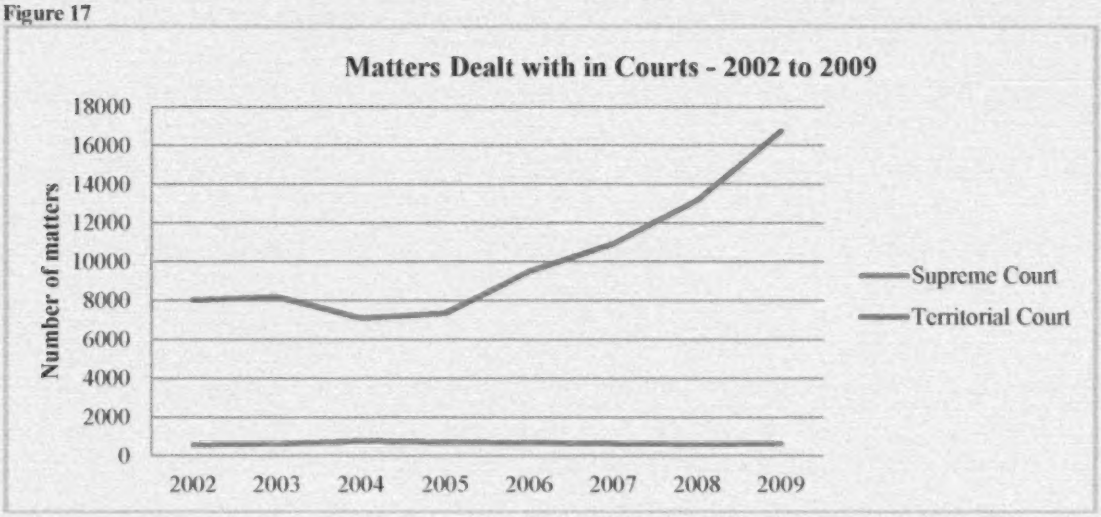
Figure 16



Lawyer shortages, crime severity and case complexity are factors that help to explain increases in the court's workload. Other factors that may result in increases in workload and in case processing time are advancements in investigative techniques and evidence, as well as recognition by the courts of the impact of mental illness and the need for psychological or psychiatric assessments. Based on information from the NWT courts, the number of matters heard in Territorial Court increased from 8,023 in 2002 to 16, 751 in 2009, an increase of about 109% (Figure 17).

[20] *Adult Criminal Court Statistics, 2008/09*, Statistics Canada.

Figure 17



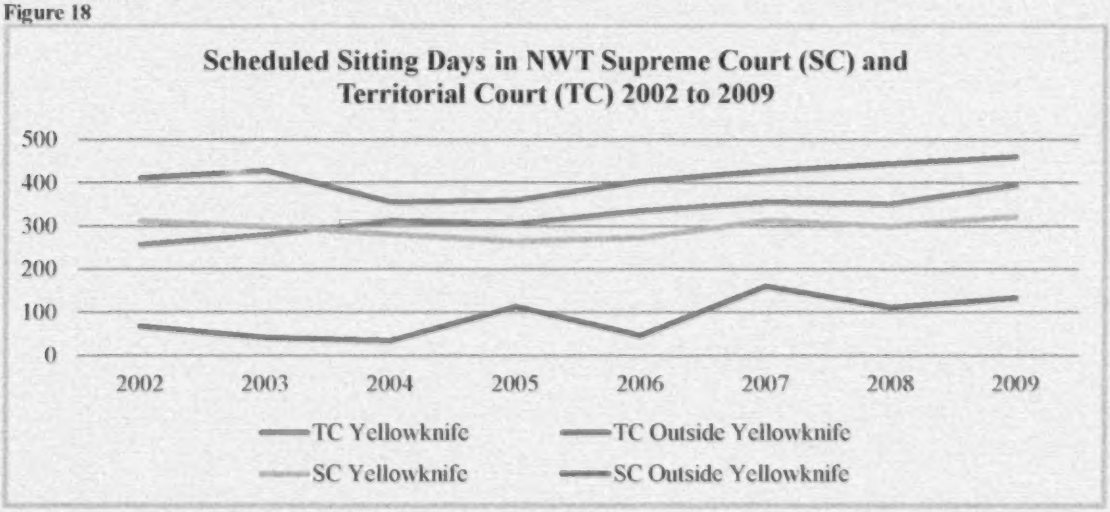
Measure 2

Number of sitting days by court and community

Increases in the number of matters heard by the courts, is also reflected in the number of scheduled sitting days. NWT courts travel to communities to hear a variety of matters. According to court statistics, in 2009 the Territorial Court scheduled about 54% of its total sitting days in communities outside Yellowknife. Between the years 2002 and 2009, the total number of scheduled sitting days in all communities increased by about 29% (Figure 18).

The Supreme Court has also seen an increase in sitting days. Between 2002 and 2009, there was an overall increase in scheduled sitting days of about 20%. In communities outside of Yellowknife, scheduled sitting days increased by about 100% (Figure 18).[21]

Figure 18



[21] Provided by Court Services, Department of Justice, GNWT 2010.

KEY ACTIVITY 5: COMMUNITY JUSTICE & CORRECTIONS

Description

The **Community Justice Division** provides support to communities to develop and implement sustainable local justice programming in the areas of restorative justice, victim services, community policing and crime prevention.

The **Corrections Division** provides safe custody and supervision of adult and youth offenders. This is achieved through the operation of correctional facilities, and the supervision of offenders sentenced to community based orders such as conditional sentences and probation orders. The Division delivers culturally relevant programs to support offender rehabilitation and reintegration, including wilderness camps and elder support.

Major Program and Service Initiatives 2011-12

Overall

Community Justice
Through the Community Justice initiative, the Department supports restorative justice, crime prevention, community policing and victims programs. This includes the diversion program where communities can assist youth and adults to deal with matters outside the formal justice system. Support is also provided to communities to enhance crime prevention activity at the community level.

Justice will continue to have program and coordinator funding available to every community in the NWT to address local justice issues and contributing factors such as FASD and alcohol and drug abuse. The Department will also assist the RCMP in their goal to build a police force that is reflective of the people of the NWT, is able to meet their needs, and is founded on the principles of community policing. This includes community involvement to develop policing plans for each community.

In partnership with the communities and key stakeholders such as the RCMP, Justice will address the recommendations from the community justice review and the subsequent action plan developed in 2010-11. Recommendations focus on the areas of capacity building, knowledge dissemination, training, program support and networking.

Justice is also working with Nunavut and Yukon to establish an evaluation framework which can be used to measure the success of local justice programming and help to inform future directions for the north.

Victim Services

With the support of federal funding, the Department will continue to work with local agencies and volunteers to offer victim services in eleven communities and surrounding areas. The Department will also continue to deliver the Victims of Crime Emergency Fund and work to renew the fund to 2011-12 and beyond.

In 11/12, the Department plans to review service delivery models. This will include a service delivery model that operates out of RCMP detachments. The review will also look at a system-based model, fee for service approach and the current community-based model. The review will incorporate the results of work on RCMP referrals carried out by federal, provincial and territorial jurisdictions. This work was attempting to address concerns related to victim's privacy rights in situations where victim information was referred to victim service workers by the RCMP. Changes to territorial legislation or to federal privacy legislation may be necessary to address this issue.

Protection Against Family Violence Act

In 2011-12, Justice will complete the evaluation of the first five years of the delivery of the *Protection Against Family Violence Act*.

Justice in collaboration with Health and Social Services, the RCMP and Public Prosecution Services Canada will monitor the use of the Ontario Domestic Assault Risk Assessment (ODARA) tool which was implemented in 2009-10 in the NWT and ensure that best practices are used. The Department will also continue to work with RCMP and communities to ensure effective and consistent services are provided throughout the NWT. The Department will coordinate these efforts with the new RCMP Family Violence Specialist (see Strategic Initiative in section on Law Enforcement).

Research on Fetal Alcohol Spectrum Disorder (FASD)

In 2011-12, work on FASD will focus on increasing links within the GNWT and communities so that resources and supports can be better focused on prevention and intervention/support for youth (see Strategic Initiative information later in this section).

Corrections

Justice continues to focus its efforts on identifying and addressing the criminogenic needs of offenders. Particular focus is being placed on effective case management and the reintegration of offenders into their communities upon release. Central to this work is the recognition of the need for community involvement, local capacity building and culturally relevant corrections programs and facilities.

Justice has completed an analysis of appropriate staffing needs for corrections facilities and probation. Work has also begun on a planning study for a new correctional facility in Fort Smith for women and girls. These projects support the effective and efficient use of facilities, staff and resources.

The Department is also developing its staff by creating competency profiles for occupations within the Corrections Service. This project will support recruitment, retention, succession planning, training, performance management and evaluation of personnel. This project is in line with the GNWT's strategic plan, "Human Resource 20/20: A Brilliant North".

Program Review

In 2011-12 the Department plans to continue implementing recommendations from the program review and establish a process for the ongoing evaluation of all programs. This includes developing advisory committees responsible for evaluation and demonstrating that all programs are proven to be effective in rehabilitating offenders. These activities will ensure that all programs are culturally appropriate, based on core correctional practices and suited to our offender population.

Justice will also:

- look at the potential for community programming partnerships
- research key areas such as alcohol and drug treatment, young offender rehabilitation and female programming
- examine new methods for offender management and staff training
- consider approaches to aftercare and mental health.

Staffing and Facility Use

Corrections facilities as well as probation services have been challenged to meet service demands given increased case loads and insufficient human resources funding. The Department identified the

need for additional resources in these areas for the 2011/12 year. This investment would eliminate the high reliance on overtime and relief staff in correctional facilities and resulting savings could be used to cover the cost of other full time positions within the facilities. As well, new probation officer positions are required to handle increased case loads in communities and to continue to provide appropriate service in court while at the same time ensuring public, staff and offender safety needs are met.

In 2010-11, funds have been allocated towards the development of program plans for a new female facility for both youth and adults to be located in Fort Smith.

Case Management Approach

In 2011-12, Justice plans to continue activities on an integrated case management approach that was begun in 09-10. This will include the delivery and refinement of training that is currently underway. A joint working group has been established with Health and Social Services to examine integrated case management approaches with a focus on mental health. This group should have a model developed in 2010-11 for implementation and monitoring in 2011-12.

Victim Notification Program

The Victim Notification program provides victims of crime with information about an offender's sentence start and expiry dates, eligibility for temporary absences, escapes and releases from custody, as well as other information on the status of the offender. Victims have to apply for this program.

In 2011-12 the Department plans to continue to monitor delivery of the program and make improvements based on the findings.

Strategic Initiatives

Building Our Future

Implement Phase II of the Framework for Action on Family Violence

Program for Men Who Use Violence in Intimate Relationships

A new program for men who use violence in their intimate relationships is being developed as part of the GNWT response to family violence and Phase II of the Action Plan. The program is intended to provide voluntary and mandatory opportunities for men to take responsibility for their actions and find an alternative, non-violent way of being with their partners and children.

In 2010-11, the Department is conducting community-based research examining men's use of non-violence using an "appreciative inquiry" or strengths-based approach. In 2011-12, the research project will be completed and the results will be used to develop a northern program model complete with curriculum, training materials and an evaluation framework. The federal government has expressed interest in this project and a proposal will be submitted for funding in 2012/13. If successful, this support will allow the Department to pilot the program using the evaluation framework to measure program success.

Increase Safety and Security

Reducing Drug and Alcohol Related Crime

Illicit drug activity in the NWT continues to grow, resulting in more serious crime, including homicide. Drug use patterns in the NWT are changing and being influenced by improved economics, drug availability, mainstream societal acceptance, and media pressures/influences for experimentation. There has been widespread outcry for education and prevention services to address the use and experimentation with "hard" drugs. These drugs include cocaine, crack cocaine, and

crystal methamphetamine. Other specific drug concerns are less prevalent, but nonetheless of grave concern, and they include intravenous (IV) drug use, cross-addiction, ecstasy, and heroin.

In 2008-09 the Department worked with Health and Social Services, Municipal and Community Affairs, Education, Culture and Employment, and the RCMP "G" Division to develop a *GNWT Crystal Methamphetamine and Associated Drugs Prevention Strategy*. This strategy sets out the framework for developing an awareness campaign and role model program. During 2009-10, Justice worked with these agencies to develop an awareness campaign called *Not Us!*. The territorial campaign was launched in Hay River in March 2010 in partnership with the Hay River community action group. The event profiled elements of the territorial *Not Us!* campaign as well as Hay River-specific actions.

In 2010-11, Justice is continuing to work with Health and Social Services, Municipal and Community Affairs, Education, Culture and Employment and the RCMP to further implement the *Not Us!* campaign in other communities in the NWT. Activities include sending out information to community governments and agencies along with schools and non-government offices and responding to all communities that express an interest in launching their own campaign. By the summer of 2010 several communities had expressed an interest in launching a campaign, including Colville Lake, Lutsel Ke', Fort Smith, Yellowknife, Inuvik, Fort McPherson, Dettah and Ndilo.

In 2011-12, work will continue on the campaign, with a focus on the communities that express an interest in launching a campaign. The Department will continue to provide information on the campaign to all communities through the Department website, advertising and presentations. An evaluation framework will be developed to access the impact of the campaign and inform future planning for the campaign.

Enhanced Crime Prevention

Starting in 2010-11 Justice is providing additional support to increase community capacity and build links between community justice committees. The objective of this work is to enhance community crime prevention activities and assist with the development of community-based drug awareness and prevention initiatives under the *Not Us!* campaign. The new Manager Programs and Projects has begun meeting with justice committees/coordinators and leaders to establish community justice programs best suited to each community, and to facilitate the sharing of information between committees. A regional justice conference was held in Fort McPherson in the summer of 2010. This work also has links with other strategic initiatives (community safety strategy and reducing drug and alcohol related crime) and supports work related to the community justice review.

Community Safety Strategy

In 2010-11, Justice plans to complete work on a draft community safety strategy. The strategy is being developed to identify issues, look at long-term goals, assess capacity to achieve those goals and identify strategies to move forward. It is essential that the safety strategy includes engagement with communities.

In 2011-12, Justice proposes to hire a project coordinator to organize targeted meetings and consultations to engage communities in discussions about the draft strategy, talk about existing programs and services, and to follow a process for mapping local safety issues. Early in the year, meetings will be held in three communities to pilot a process for mapping safety issues using a risk assessment tool. The Department will visit three more communities later in the year using a revised process that builds on this experience. At the end of 2011-12, Justice expects to finalize a community safety strategy and complete the mapping process with the six communities. The RCMP will be part of this process, developing performance plans for the pilot communities.

Starting in 2012/13, the project coordinator will work to implement the strategy including helping other communities to assess community safety issues, developing plans for local community action, performance plans for the RCMP as well as bringing forward new or revised programs, services or legislation for consideration of the 17th Assembly.

Expand Programming for Children and Youth

FASD Consultant

The justice system is finding ways to respond to the needs of those who may be affected by FASD and other cognitive disabilities. The "FASD and Justice Issues at the Community Level in the NWT" project began in June 2005 with assistance from the federal government and from within the Department. This work will continue to the end of 2010-11, and involves research into FASD in the NWT justice system and providing training to justice staff on working with people with cognitive difficulties including FASD. Later in 2010-11, the consultant will develop an FASD Action Plan detailing plans and actions for the future.

In 2011-12, the Department's FASD consultant will provide knowledge, expertise and information on best practices to the Department, other GNWT departments, agencies and community partners. The consultant will help justice stakeholders understand and better accommodate people with cognitive difficulties including FASD, develop new initiatives and support existing programs. The work of the position will have a primary focus on youth in contact with the justice system who may be affected by FASD and other cognitive disabilities.

Four Year Business Plan Update

Results to Date

Community Justice

Support for Communities

In 2008-09, the Department worked to extend community justice activities to all communities in the NWT and helped communities with work plans, orientation and program training. The Department also worked with community justice committees to increase the role of victims at community justice hearings. Policy guidelines were developed to help groups that are involved with community sentence orders and the fine options program.

In 2009-10 the Department commenced a review of the community justice program. The review focused on talking to people involved in community justice activities in all communities to find out what works and what doesn't. The information gathered will help the Department do a better job of supporting the implementation of the community justice program the NWT. Information was obtained through site visits and completion of questionnaires. Input from each RCMP detachment was obtained.

The Department, in partnership with Public Safety Canada, hosted an NWT-wide crime prevention conference in March 2010. The theme of the conference was "together we are better" and it brought delegates from across the north together to discuss how we can all work together to prevent crime in our communities. As a follow up to the conference, the Department held follow-up workshops in some regions and is holding regional teleconferences with community justice coordinators to share information, build networks of support, and improve local responses to justice issues. The Department will continue to work with federal partners to develop and provide community-based training to enhance local approaches to justice issues.

In 2010, a revised diversion protocol was signed by GNWT, Public Prosecutions Service of Canada and the RCMP. Under this protocol there are more eligible offences that can be dealt with through a

diversion from the courts to a community justice committee. The new protocol also provide for diversion to other restorative processes, such as a community program, community group or treatment program. The new protocol more clearly sets out the roles and responsibilities of each of the parties. The Department is working with the dedicated position in the RCMP and community justice coordinators to increase understanding and support for the diversion protocol. This work is expected to result in an increase in the number of diversions in NWT communities.

Victim Services

In 2008-09, the Department signed the Victim Services Protocol with the RCMP and the Public Prosecutions Service of Canada's office in the NWT. This protocol set out how the GNWT, RCMP and the Prosecutions Service work together to provide effective services to victims. The Department also completed a feasibility study on establishing a fund to allow victims of crime to travel to provide their victim impact statements in court. The Department also researched the creation of a victim's emergency fund that would cover expenses incurred by victims as a result of serious crime.

In 2009-10, Justice established the Victims of Crime Emergency Fund with federal funding and continued to work with local agencies and volunteers to offer victim services in 11 communities and the surrounding areas. The Department co-hosted with Justice Canada a national victims' of crime conference in the fall of 2009. Justice reviewed the Victims Services Protocol and provided the RCMP with referral data. The Department had preliminary discussions with the RCMP about the potential for a model of victim services delivery that operates out of the detachment.

Justice worked with the RCMP and victim services agencies in 2010-11 to improve support for victims of crime by providing RCMP with referral data and reviewing the NWT Victim Services Referral Protocol. The Department also worked with other provinces and territories to develop an approach to RCMP referral of victims to victim services agencies that does not conflict with victims' privacy rights.

Protection Against Family Violence Act

In 2008-09, Justice worked with the RCMP to provide annual family violence training to RCMP members. The Department also supported the development of a Yellowknife protocol on family violence between the RCMP and frontline service providers, including non-government organizations. This protocol is intended to improve the community's response to family violence, and can also serve as a template for other communities who want to develop an integrated response to family violence. The Department also coordinated regular meetings of designates under the *Protection Against Family Violence Act* (which include the RCMP) to discuss issues and trends.

In 2009-10, Justice continued to develop and strengthen partnerships with police and communities in order to improve the NWT's response to family violence. Training was provided to designates under the *Protection Against Family Violence Act*. Training was also provided to child protection workers, student nurses and others who provide support to victims of family violence.

Also in 2009-10, the Department started developing a work plan to evaluate the first five years of the Act's implementation. The work plan was informed by a review of emergency protection order transcripts analysing the responses victims of family violence receive during this process. Public education materials were reviewed and updated including additional translations in Aboriginal languages. Meetings were held regularly with the RCMP to discuss family violence issues and trends.

In 2010-11, Justice completed the transcript review and RCMP training and operational improvements were identified and implemented. The Department in collaboration with Health and Social Services, Public Prosecutions Services of Canada and the RCMP also implemented the use of the ODARA in the NWT. Staff and frontline workers were trained in the tool as part of the

Yellowknife protocol on family violence and to support the use of ODARA throughout the NWT. Work began on a comprehensive evaluation of the *Protection Against Family Violence Act* covering the first five years of the Act's implementation.

Research on FASD

In 2008-09, Justice conducted research into FASD and the justice system. The Department developed presentations and training materials to raise awareness of FASD as a disability and provide information about how to accommodate this disability for various audiences, including schools, lawyers, RCMP and community groups. Presentations on FASD research and program delivery were made at major conferences in Ontario, Yukon and Alberta.

In 2009-10, research and training on FASD awareness continued including work on a toolkit for use by community based agencies. The toolkit includes information, activities, and a training module to assist community groups in training their members about FASD.

In 2001-11, the work continued in the form of research, information sessions and presentations, as well as working with partners to identify ways to interact and assist clients affected by the disorder. Between the start of this project in 2008-09 and July 2010, the FASD project coordinator has conducted 75 training sessions and conferences, visited 13 NWT communities and interacted with over 2,600 people.

Corrections

Program Review

A review of corrections facility programs was completed in the summer of 2008. This review included the completion of an inventory of all programs and 18 recommendations to ensure that appropriate programming is delivered to offenders. The Department also began a review of female offenders programs and facilities.

In 2009-10, Justice began implementing recommendations from the facility program review. The Department also completed the review of female offender programs and facilities, and began planning for implementation. In the fall of 2009, a land program development committee was established to identify and facilitate culturally appropriate land programming for adult male offenders.

In 2010-11, the Department continued implementing recommendations from the facility program review, began implementing recommendations from the female offender review, and established an ongoing program evaluation process for corrections programs. A drug and alcohol committee was formed to identify drug and alcohol programs that meet the needs of adults and young offenders in facilities or under supervision in the community.

Staffing and Facility Use

In 2008-09, statistical information was identified and collected as the first step in determining what adjustments should be made to the current model for staffing, facility use and resource investment. An entry level recruitment program for corrections facility staff was successfully piloted as a means to promote hiring and training of Northerners.

In 2009-10, research was concluded on human resources required for the delivery of corrections services. The Department continued to use the Northern Recruit Training Program as the preferred method to recruit and qualify northerners for entry level positions at corrections facilities.

In 2010-11, Justice concluded research (including justification) of required human resources for the delivery of corrections services. This included an assessment of the number and type of positions in

facilities and communities both now and for ongoing program delivery.

The Corrections Northern Recruit Training Program remains the primary method for recruiting and training northerners for entry level positions in correctional facilities. The program has been held in Fort Smith and Yellowknife and has graduated a total of 34 Northerners, with 31 employed by Corrections.

Case Management Approach

In 2008-09, Justice began work with the Yellowknife Health and Social Services Authority and the Department of Health and Social Services to improve case management approaches and provide access to health/social services for offenders in facilities or on probation or parole.

In 2009-10, Justice amended protocols dealing with integrated case management approaches and processes between community and facility case managers to insure a continuum of care between community and correctional facilities. The Department continued to work with health and social services authorities and GNWT departments to develop ways to expand the continuum of care for offenders moving in and out of the justice system, and to and from communities.

In 2010-11, Justice provided opportunities for the cross training of community and facility staff on the integrated case management approach. A case management conference was held in June of 2010 that brought together all facility case managers and community probation officers to discuss and build upon a continuum of care for offenders.

The Department also developed directives and an integrated case management manual to support training and operations. Staff transfers across the corrections service were facilitated to enhance the experience and mobility/promotability of employees, the audit/case management system was implemented to enhance accountability. Corrections staff were also trained on three sex offender risk assessment tools to build capacity in the workforce to do risk assessments, determine needs and develop case plans for sex offenders.

The South Mackenzie Reintegration Project is a good example of a successful approach to case management. For over five years probation officers and the case management team at the South Mackenzie Correctional Centre have worked with offenders to identify and create case plans that commence in custody and continue to the expiration of their sentence and or probation. The support to offenders has increased by including community members and elders in the preparations for the re-integration of offenders into their communities upon their release as well as through the utilization of cultural teachings and ceremonies where possible. This respectful and inclusive approach is also providing communities with greater control and a greater ability to address the needs of community members.

Victim Notification Program

In 2008-09, research began on the Victim Notification Program. Program planning was completed in 2009-10, and the program was implemented in May 2010. Corrections staff responsible for administering the program received training, with victim services workers receiving training in the fall of 2010 so that they can provide information and recommend the program to victims of crime.

The Department is monitoring delivery of the Victim Notification Program. Policy and processes have been developed including an internal monitoring system to support the delivery of this program. Improvements to program delivery will be made as required.

Measures Reporting

Community Justice

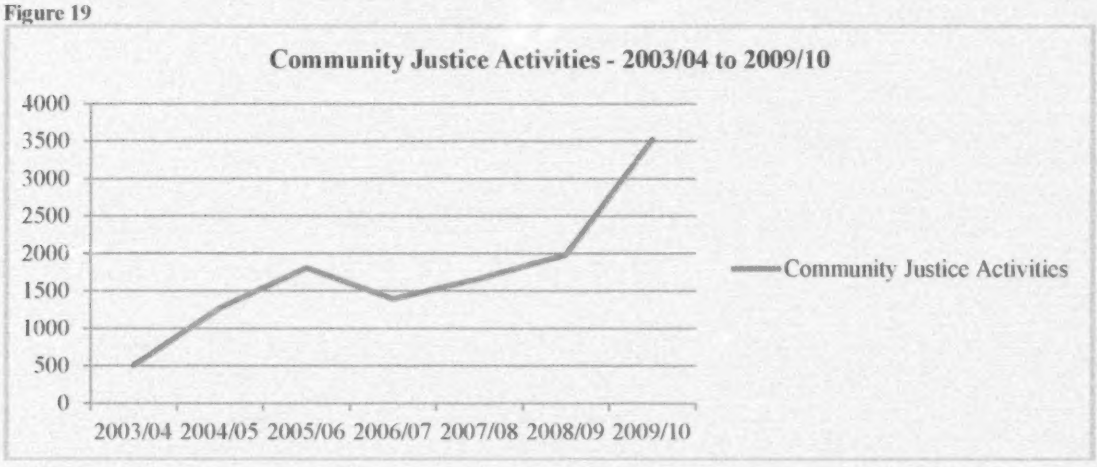
Measure 1

Percentage of communities active in community justice activities

In 2009-10, 27 communities (82%) were involved in 3,527 community justice activities[22] involving 13,427 people. Funding of $15, 000 to $20, 000 was provided to 24 of these communities to employ a justice coordinator. In addition, each community received additional funds to maintain their community justice program.

From 2003-04 to 2009-10, there has been an overall 598% increase in community justice activities (Figure 19).[23] This demonstrates the high level of interest and commitment to community justice and crime prevention activities seen in NWT communities. Training is required on an ongoing basis to support the level of programming communities require. This will be a challenge for the Department in future years due to a decrease in financial and human resources in 2009-10.

Figure 19



Measure 2

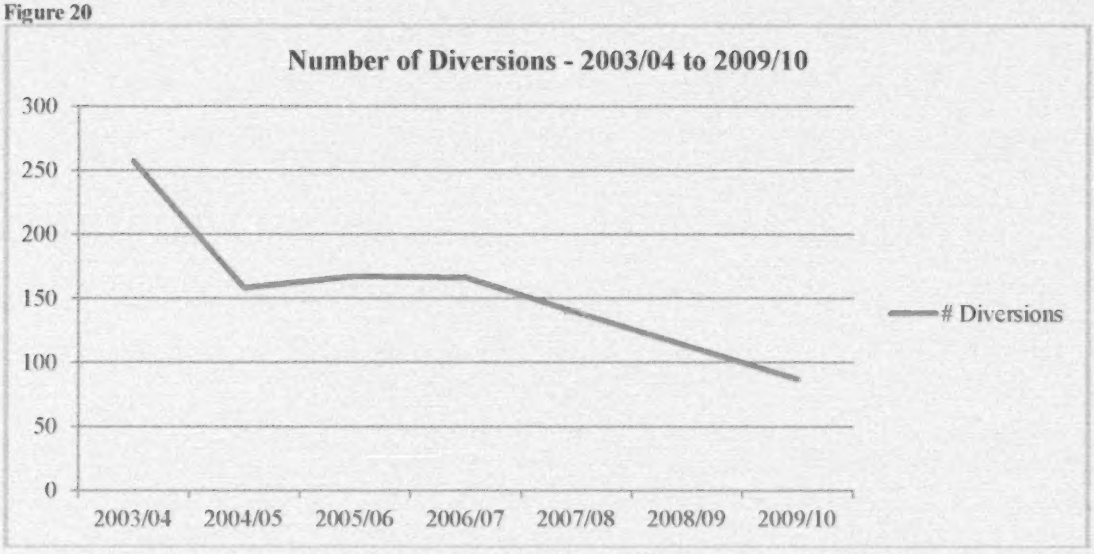
Number of diversions

The diversion program continues to be an important program for many community justice committees. In 2009-10, there were a total of 87 diversions. The number of diversions has dropped from a high of about 260 in 2003-04. Work with the RCMP and communities in support of diversions, including changes to the protocol, is expected to result in an increase in the number of diversions (Figure 20).

[22] Activities include diversions and non-diversion activities such as on the land programs, community events, workshops addressing local justice issues.

[23] Information provided by the Department of Justice, Community Justice Division based on community reports.

Figure 20



Measure 3

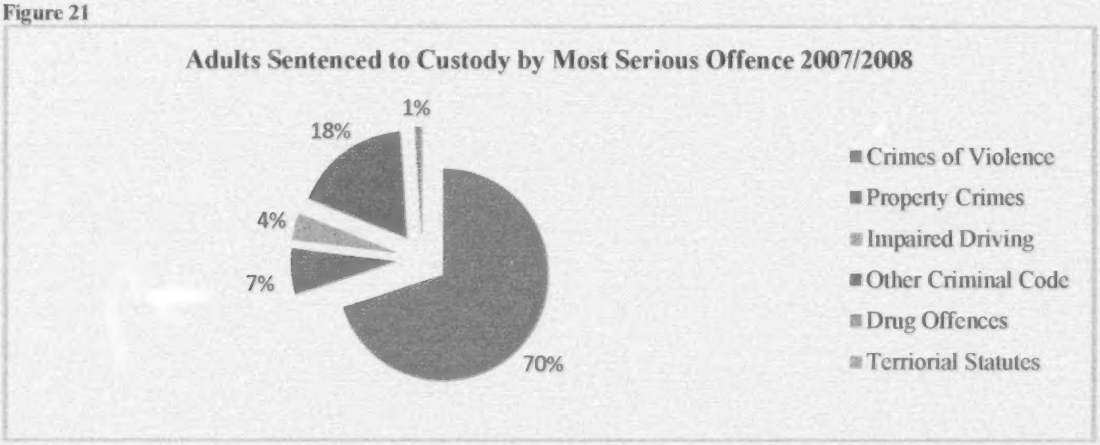
Number of victims of crime that access services

Over the past several years, there has been an increase in victim services and a corresponding increase in the number of victims of crime served. Currently there are community-based victim services in 11 communities: Inuvik, Aklavik, Paulatuk, Fort Good Hope, Yellowknife, Behchokö, Gamèti, Whati, Hay River, Fort Smith and Fort Simpson. They provide victims of crime and tragedy with information, assistance, support and referrals. In 2009-10, 1,974 victims received services from victim services workers in these 11 communities. This is a 40% increase from 2004/05, when 1,407 victims received services from victim service workers in five communities.

Corrections

In 2007-08, based on the most serious offence, 70% of admissions to custody in the NWT were for crimes of violence[24](Figure 21).

Figure 21



[24] *Adult Correctional Services in Canada, 2007-2008* –Reference Tables

Severity of crime and sentence length has implications for the safe and secure custody of offenders in the NWT and it also has implications for effective programming. Successful participation by offenders relies on an effective assessment of offender needs, development of evidence-based programs to meet those needs and effective delivery of programs by staff. The following corrections measures provide some information on these areas.

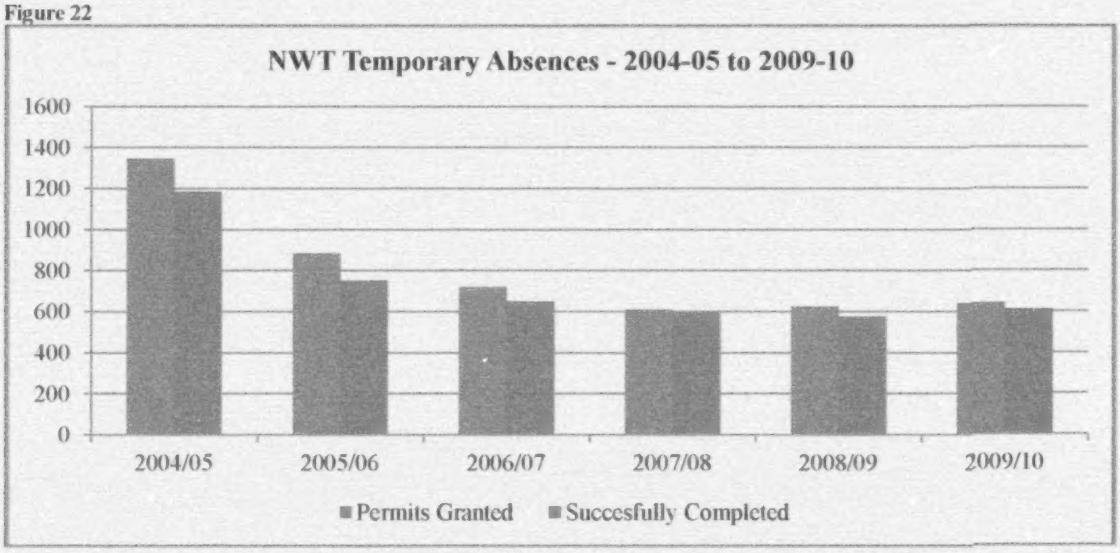
Measure 1

Percentage of offenders with temporary releases revoked

A fundamental principle guiding the corrections service is that the management of offenders should be carried out in the least restrictive manner possible, given the risks presented by each offender and the need to protect the public, staff and other offenders. A temporary release is granted to sentenced offenders whose risk is assessed as appropriate to attend programming to address his or her needs. "Needs" in this case is based on the behaviour of offenders that have been proven to lead to reoffending (also referred to as "criminogenic needs"). The granting of temporary releases for inmates to attend targeted programming required to change their behaviour and address their needs is encouraged as it is preferable to more restrictive incarceration in a correctional facility.

In 2009-10, 641 permits were issued for temporary absences involving 253 inmates. Ninety-five percent (95% or 609) of these temporary absences were successfully completed. Over the last six years, there has been a marked decrease (52%) in the number of permits issued for temporary release, and an increase in the success rate of those offenders on temporary release, from 88% to 95% (Figure 22). The decrease in the number of permits can be attributed to the overall decline in the number of offenders sentenced to custody, combined with the "hardening" of that population as fewer offenders are considered appropriate for temporary release.

Figure 22



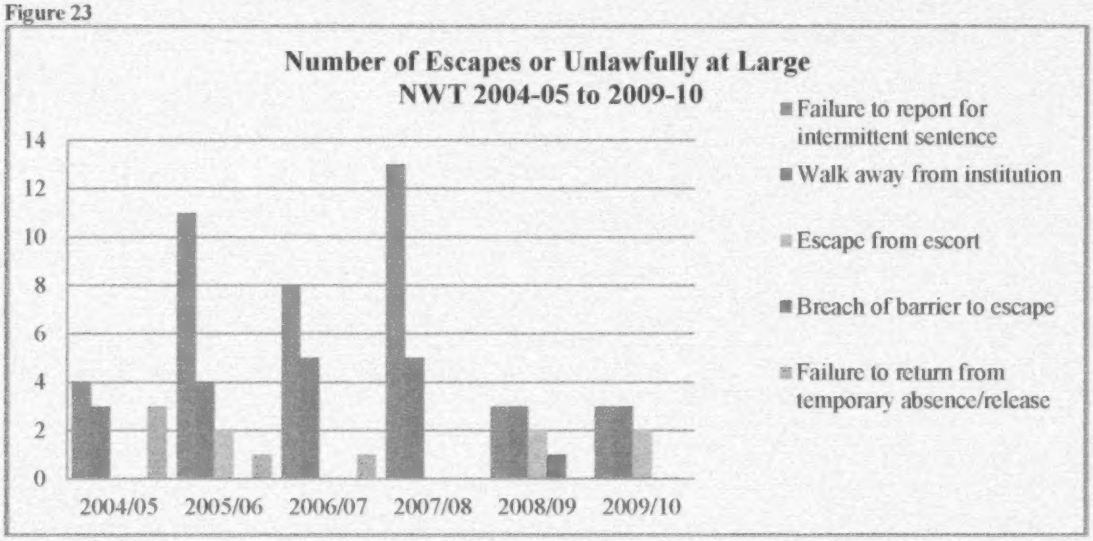
Measure 2

Number of escapes or offenders unlawfully at large

In 2009-10, a total of nine offenders were unlawfully at large: of this number, one was unlawfully released; three were offenders serving their sentence intermittently (i.e. weekends) who failed to report on schedule; the other five included three offenders who walked away from minimum security areas in their institution, and two offenders who escaped from their escort. In the last five years, the

number of offenders unlawfully at large has varied from a low of eight in 2009-10 to a high of 18 in 2005-06 (Figure 23).

Figure 23



Measure 3

Percentage of offenders sentenced to custody that successfully completed programs

The Department has completed a review of facility-based programs and is in the process of implementing the recommendations from that review. This includes the development of evidence-based programs that are targeted to meet the criminogenic needs of the changing offender population. The Department has started to collect information on the Corrections Offender Management System about offender participation and success in programs. This information will be reported beginning in 2011-12.

KEY ACTIVITY 6: SERVICES TO THE PUBLIC

Description

Services to the Public includes a number of programs and services that are accessible to all residents. This includes services available from the following:

- Public Trustee's Office;
- Coroner's Office;
- Rental Office;
- Legal Registries (land titles, corporation and society registration, personal property registration, regulation in securities trading);
- Maintenance Enforcement Office; and
- Protection Against Family Violence Program.

Also included in this section are family law initiatives, including mediation and parenting after separation services. These services are administered by the Policy and Planning Division (under Services to Government section).

Information in the business plan on the *Protection Against Family Violence Act* and related initiatives are now included in the Community Justice section.

Major Program and Service Initiatives 2011-12

Overall

In 2011-12 Justice will continue to take steps to ensure that the public has access to quality programs and services. This will include monitoring the impact of recent legislative amendments such as those to the *Residential Tenancies Act* and the *Maintenance Orders Enforcement Act*, improving electronic access to services at Legal Registries, responding to national initiatives related to Securities and moving forward with programs for children and families.

Rental Office

In 2011-12, Justice will monitor the impact of the amendments to the *Residential Tenancies Act* that came into force on September 1, 2010.

Maintenance Enforcement Program

In 2011-12, Justice will continue to monitor the impact of amendments to the *Maintenance Orders Enforcement Act* that came into force in 2009. The maintenance enforcement data-base interface will also be updated to ensure security and accuracy of information is maintained and the public receives quality and efficient service.

Legal Registries

In 2011-12, the Department will continue work on an electronic database to replace the manual title search currently available in Land Titles. Justice will also continue to participate in the development of national rules to harmonize securities regulations. If a decision is made to proceed with a single national securities regulatory authority, the NWT will need to participate in the implementation of this plan. Other activities include program enhancements to the process for appointing

commissioners of oaths and notaries public, and developing legislation to replace the current filing requirements in the *Partnership Act* with a more comprehensive registration scheme requiring periodic renewal.

Strategic Initiatives

Building Our Future

Increase Safety and Security

Family Law Programs and Services

Justice has been implementing reforms to the current family law infrastructure in an effort to create a more accessible, efficient and responsive system for parents and children.

In March 2009, the Department established a roster of family law mediators to provide free mediation services to parents involved in legal disputes relating to custody, access and financial support. The program provides for an effective, less costly and less adversarial alternative to court, resulting in fewer custody cases going to court and less reliance on lawyers.

Justice continues to offer a free Parenting After Separation program. The program consists of a one-day workshop to help parents understand the effects of separation and divorce on themselves and their children. The purpose of the workshop is to decrease the friction between parents so that children are less negatively affected as a result of separation or divorce. In April, 2010, the Supreme Court of the NWT launched a pilot program making participation in the program mandatory for individuals residing in Yellowknife before they can file an application for custody and access. The pilot program will be evaluated after one year to determine its impact on the volatility and length of family law disputes.

Working in partnership with the Department of Health and Social Services, Justice has been able to offer the Parenting After Separation program to individuals in communities across the NWT by videoconference.

Justice plans to continue to offer these two programs in 2011-12 and on an ongoing basis with funding assistance from the federal Supporting Families Initiative. The Department will continue to monitor the delivery of the programs and conduct an evaluation of the programs to identify successes and potential areas for improvement.

Expanding Programming for Children and Youth

Office of the Children's Lawyer

In 2010-11 the Department began research into the feasibility and cost of establishing a Children's Lawyer for family law court matters. This program would provide children with a voice in family law disputes. The Children's Lawyer will provide legal services, representation and oversight for children in civil cases where there is no parent or other adult that can pursue or defend the claim, or in estate or trust cases where insufficient provisions have been made for minor children.

It is expected that having this resource for children will result in more cases being settled without going to trial and more decisions being made that truly reflect the best interests of children. In addition to providing counsel for children, the office may eventually coordinate the provision of parenting/custody assessment services.

The Office of the Children's Lawyer will be co-located and integrated with the Office of the Public Trustee and established in two phases. Phase 1 in 2011-12 will include setting up the new office, hiring counsel and assessing the feasibility of this Office to play a lead role in coordinating and

providing parenting assessments services for use by the court in contested custody cases.

In phase 2 in 2012/13, phase 1 activities will be monitored and evaluated. This will include the number and types of cases, the hours and costs associated with the services and the impact of this service on outcomes in child custody cases (to the extent possible). As well, the feasibility of establishing a parenting/custody assessment service to produce assessments for use by the courts in contested custody cases will be evaluated.

Refocusing Government
Strengthen Service Delivery
Coroner Service
In 2009-10 the position of Chief Coroner was returned to the NWT public service. The purpose was to promote the stability of service, to preserve and enhance the specialized skills and technical knowledge required in the position, and to facilitate effective succession planning through the training and development of individuals to fill the positions of Chief and Deputy Chief Coroner. In 2009-10, the Chief Coroner position was filled and in 2010-11, the Deputy Chief Coroner position was filled.

In 2010-11 and continuing in 2011-12, on the job and course training for the Deputy Chief Coroner will be pursued with a view to assuming the position of Chief Coroner in the future.

Four Year Business Plan Update

Results to Date

Legal Registries

In 2009-10, two outdated databases in Corporate Registries were replaced with one integrated database for territorial business corporations, extra-territorial corporations, societies and partnerships. Work began on a system to conduct and pay for corporate registry searches via the internet directly from clients' homes or businesses. Legal Registries also began to develop an electronic database to replace the manual title search currently available in Land Titles.

In 2009-10, registration rules were adopted by all provinces and territories (including the NWT) that establish uniform qualifications, reporting requirements and standards of conduct for securities dealers and advisors. Through this new registration system, called the passport system, dealers and advisors are able to register in more than one province or territory.

In 2010-11 the Corporate Registries search system is expected to be completed and implemented. Work will continue on the development of the Land Titles system in cooperation with Nunavut. Justice will participate with other jurisdictions in the development and implementation of further national rules to harmonize securities regulation.

The Department is currently participating in discussions with the federal government and most provinces and territories about the possibility of establishing a single national securities regulatory authority.

Justice is also evaluating legislative options for replacing the current filing requirements in the *Partnership Act* with a more comprehensive registration scheme requiring periodic renewals. The Department has also begun an evaluation of possible program enhancements to the process for appointing commissioners of oaths and notaries public.

Rental Office

Amendments to the *Residential Tenancies Act* received assent in the Legislative Assembly in 2008. The Department has been working with the Rental Office to develop regulations, forms and public education materials explaining the rights and responsibilities of landlords and tenants under the Act.

In 2010-11, Justice with the assistance of the Rental Office, prepared and distributed to tenants, landlords, MLAs, community and aboriginal governments, libraries and the public, information on the coming into force of the amendments as well as a booklet on tenant and landlord rights and responsibilities under the Act. This information along with fact sheets, highlights of the changes to the Act and forms is available online and in hard copy from the Rental Office. The coming into force date for the legislation is September 1, 2010. The amendments will allow the Rental Officer to order an eviction, require landlords to prepare written inspection reports at the beginning and end of the tenancy and allow a landlord to charge a pet security deposit.

Maintenance Enforcement Program

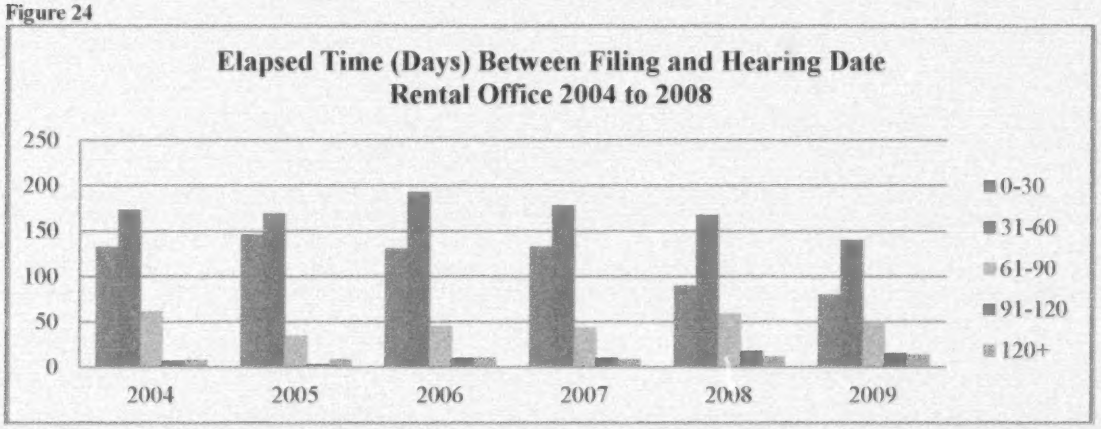
In June of 2009 amendments to the *Maintenance Enforcement Orders Act* came into force. These amendments created additional enforcement measures, such as the ability to suspend a driver's license for non-payment of support and the ability to garnishee a joint bank account. Justice will monitor the effect of these amendments throughout 2010-11 and 2011-12.

In 2010-11 the Department will update its program information guide to provide clients with information on: what the MEP office does; what clients can expect from the program; enforcement measures the MEP office can utilize to collect family support payments; and, answers to frequently asked questions.

Measures Reporting

Measure 1
Rental Office – time between filing application and hearing
In 2009, approximately 62% of all applications to the Rental Office were heard within 60 days of filing and 26% of all applications were heard within 30 days. Figure 24 shows that the Rental Office required more time to process and hear applications in 2009. [25] In the 2009 Annual Report, the Rental Officer attributed this change (at least in part) to the need for more time to confirm that both parties received notice of the hearing.

Figure 24



[25] Information from Annual Reports of the Rental Officer 2004 to 2009.

Measure 2

Maintenance Enforcement Office – percentage of family support collected (total collection rate)

In 2008-09, the Maintenance Enforcement Program collected 86% of the amount due to families. This collection rate compares very favourably with the five other jurisdictions reporting this information: Yukon 94%, Alberta 83%, New Brunswick 87%, Nova Scotia 84%, and Prince Edward Island 71%.[26] Recent amendments to the *Maintenance Orders Enforcement Act* came into force on July 1, 2009.

In July of 2010 the Maintenance Enforcement office reviewed the impact of the driver's license suspension power on the collection or arrears and found that it has already been quite effective.

Action	**Number/result**
Number of warning letters issues	169
Number of warning letters resulting in payment arrangements	20
Arrears collected as a result of warning letters	$89,913
Number of warning letters pending (no action by debtor)	71
Number of suspensions issues	76
Number of suspensions resulting in payment	12
Arrears collected as a result of suspension	$81,546
Total Arrears Collected	**$171,459**

It is expected that the overall collection rate will improve with the new tools introduced through the recent amendments to the *Maintenance Orders Enforcement Act*, and that some of the long-standing arrears will be addressed.

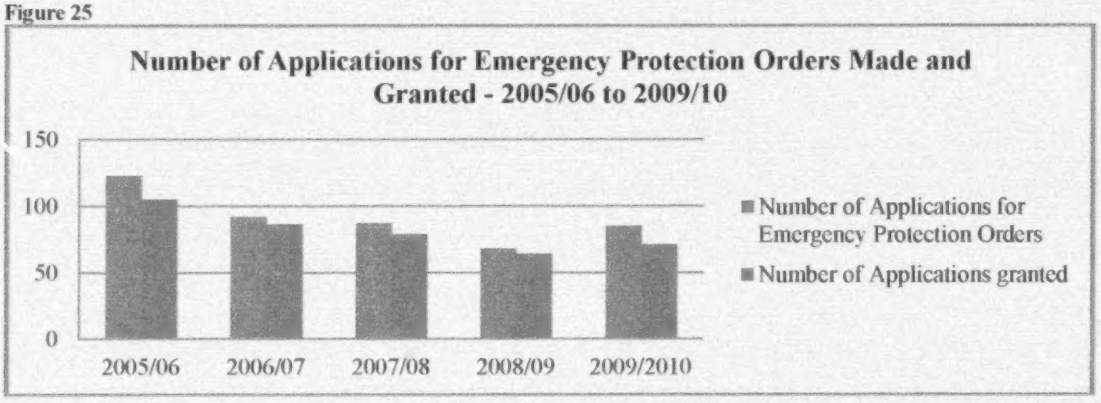
Measure 3

Protection Against Family Violence – number of emergency protection orders applied for and granted

Applications for emergency protection orders under the *Protection Against Family Violence Act* rose slightly in 2009-10 (Figure 25). In 2009-10, 85 emergency protection orders were applied for and 71 were granted. This is higher than the previous year and is still higher than the 50 applications anticipated when the legislation was developed[27]

It is unclear why the number of applications decreased in the three years after implementation. Issues relating to victim support, designate/front line agency capacity, police training in family violence and public education could contribute to the decline in application rates. The evaluation planned for 2010-11 will provide insight into the usage rates as well as effectiveness of the legislation.

Figure 25



[26] *Child and Spousal Support: Maintenance Enforcement Survey Statistics – 2008-09*, table 12, Statistics Canada.

[27] Information provided by the Department of Justice

c) Infrastructure Investments

Activity to Date

Projects Completed

Office Space Retrofit
Renovations were completed in Ft. Liard on a new office space for Community Corrections staff.

Coroner's Office Space Renovation
The Coroner's office space was upgraded to meet program needs.

Yellowknife Courthouse Renovations
Leased space in the Yellowknife Courthouse was renovated to accommodate an additional member of the judiciary (territorial court).

North Slave Correctional Centre – Erosion Wall Project
Work was done to address erosion under a concrete slab.

Courts Information System
The upgrade to the Courts Information System was put into service.

North Slave Correctional Centre – Upgrade Building Security and Camera System
A complete replacement of the original security system was necessary as the system was failing. The security system upgrade has been completed.

North Slave Correctional Centre – Security System Integration
A complete replacement of the original electronic door access system was necessary because it was failing and creating a safety and security risk for staff, inmates, and the public. The original electronic door access and card access systems were integrated so extensively that when one system failed, the other also failed.

North Slave Correctional Centre – Aboriginal Healing and Spiritual Program Area
Work was completed on the development of an outdoor program area for aboriginal healing.

Projects in 2010-11

Land Titles Office – Title Search Development
This is a multi-year project to develop a land titles search database. This project should be completed in 2010-11.

Corporate Registries Office – Database Replacement
This project will replace an out-dated data-base within Corporate Registries. This project should be completed in 2010-11.

Maintenance Enforcement Program – System Replacement Project
This project will convert the existing Child Support Manager system to another software system that is capable of future expansion. The existing system is based on technology that is rapidly aging and needs to be upgraded.

Arctic Tern Young Offender Facility – Foundation Issues
The Inuvik young offender facility has been experiencing foundation issues since it was built. Public Works and Services concluded a geotechnical and hydro-geotechnical investigation of the building's foundation system in December 2008. In 2010-11, work will continue to repair the foundation and

building as described in the Public Works and Services report. The future of the building as a corrections facility has not yet been determined.

Norman Wells Probation – Office Space Renovations
Plans have been approved for the office space renovations and the project will be completed in 2010-11.

River Ridge Correctional Centre – Secure Cells
This project involves building secure cells at River Ridge to permit high-risk female offenders to be held in custody and to reduce the operating budget of both Fort Smith correctional facilities by $530,000. A final design, construction contract and the majority of indoor work is to be completed in 2010-11.

North Slave Young Offender and Adult Correctional Facilities – Flooring Replacement
Large portions of the carpeted flooring need to be replaced for health and safety reasons. This project is expected to be completed in 2010-11.

Yellowknife Courthouse Library Shelving Project
The Courts library located in the Yellowknife courthouse has been reduced in size to reflect the shift to more online searches by primary users, and to accommodate another courtroom in the building. Compact shelving units are needed to maximize storage space for the library's current collection. This project will be completed in 2010-11.

Fort Liard Probation Office
The probation office in Fort Liard was moved as the landlord required the space. The Department of Public Works and Services has acquired new space for the probation office and tenant improvements are required to accommodate the program's needs and security issues. This project will be completed in 2011-12.

Ft. Smith Correctional Centre – Female Correctional Programming Planning Study
A planning study will be conducted in 2010-11 to identify the requirements for a female correctional facility in the NWT.

Fort McPherson Probation Office – Tenant Improvements
New space and tenant improvements are needed. This project is expected to be completed in 2010-11.

Fort Smith River Ridge – Fire Alarm Panel Upgrades
This project involves the installation of a new fire alarm system with control panel, smoke detectors, pull stations, horn/strobe and associated equipment at the Fort Smith Correctional Complex, Male Unit. This system is necessary to meet current barrier-free design guidelines. This project will be completed in 2010-11. This project was identified in PWS Deferred Maintenance studies.

South Mackenzie Correctional Centre –Upgrade Security System
The existing security system will be replaced with a new system. To be completed in 2010-11.

North Slave Correctional Centre – Modification Lockers Blocking Sprinklers
Lockers will be modified to alleviate the blocked sprinkler coverage. To be completed in 2010-11.

Court Registries – Security Barrier Counter
Security glass barrier over the top of the counter space needs to be installed to prevent the public from accessing staff and documents/cash. The flooring and counter top in the public area of the registries needs replacement due to wear and tear. To be completed in 2010-11.

Yellowknife Courtroom – Upgrades
Courtroom 2 (which is over 30 years old) requires upgrades including new surfaces, doors, public seating, and improved technology infrastructure. To be completed in 2010-11.

New Office Legal Aid – Tenant Improvements
Setting up a new Legal Aid Clinic requires small capital for tenant improvements. The clinic will have four staff and require interview/meeting rooms along with standard office space requirements and security considerations. To be completed in 2010-11.

North Slave Correctional Centre –Erosion/Drainage Modification
Corrective action was required to protect the facility foundation from deterioration as a result of improper ground water drainage, and soil erosion due to spring runoff and spring/summer precipitation. Project will be complete in 2010/11.

Planned Activities – 2011-12

Fort Smith Correctional Centre – Oil to Electrical Heating Conversion
The current oil-burning heating system will be supplemented with an electric system. The electric system will provide 50% of the current capacity. This is expected to offset 90% of the heating fuel used to heat the facility and reduce greenhouse gas emissions.

South Mackenzie Correctional Centre – HVAC Control System
The purpose of this project is to design and replace the environmental control system and implement "greening" features where possible.

South Mackenzie Correctional Centre – Branch Wiring Devices
The purpose of this project is to design and replace the electrical branch wiring devices for the entire correctional facility.

South Mackenzie Correctional Centre – Aged Hot Water Pipe Distribution
This project involves the design and replacement of the hot water piping distribution system.

Yellowknife Courtroom –1 and 2 Door Replacement
The current doors and structures supporting the doors need to be replaced. The new doors will need to be appropriately chosen to meet court functions and to insure safety and security of court proceedings.

Justice Office Space – Security Upgrades
There are several leased office areas within the department of Justice that have specific requirements for increased security. These spaces are often staffed with only one or two individuals. In order to ensure staff and clients are safe, additional security measures, such as security glass, need to be put into place to accommodate their needs.

d) Legislative Initiatives

Activity to Date

Bill 5 – An Act to Amend the *Maintenance Orders Enforcement Act*
The amendments provided additional enforcement measures that the Maintenance Enforcement Administrator may take to enforce maintenance orders filed with the Maintenance Enforcement Office. Amendments received assent on June 19, 2008 and came into force on July 1, 2009.

Bill 7 – *Securities Act*
This is a new Act based on a model developed jointly by NWT, PEI, Nunavut and Yukon. The model includes a wide range of changes to support a coordinated national approach to securities regulation. The Act received assent on June 19, 2008 and came into force on October 26, 2008.

Bill 6 – *An Act to Amend the Residential Tenancies Act*
The amendments included changes to modernize the Act, ensure that disputes are resolved more quickly and provide effective remedies to both landlords and tenants. The amendments received assent on June 19, 2008 and came into force on September 1, 2010.

Bill 13 – *An Act to Amend the Legal Profession Act*
The amendments updated the discipline process in the *Legal Profession Act*. It received assent on October 21, 2008 and came into force on February 1, 2009.

Bill 2 – *Settlement of International Investment Disputes Act*
This new Act is part of the national implementation of the *1965 Convention on the Settlement of Investment Disputes Between States and Nationals of Other States*. The Act received assent on June 4, 2009, and will come into force when all 13 provinces and territories have adopted implementing legislation.

Bill 3 – *International Interests in Mobile Aircraft Equipment Act*
This new Act implements the *2001 Convention on International Interests in Mobile Equipment* and the *Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment*. The bill in the NWT came into force on assent on March 12, 2009. However, the convention will not come into effect until all provinces and territories have adopted implementing legislation.

Bill 5 – *Professional Corporations Act*
This new Act permits members of designated professions to incorporate under the *Business Corporations Act*, subject to requirements relating to the ownership and voting of shares of the professional corporation. The bill received assent and came into force on March 12, 2009. Lawyers were designated under the *Professional Corporations Regulations* on July 14, 2009, and medial practitioners were designated on March 23, 2010.

Bill 12 – *Securities Transfer Act*
This new Act enacts the uniform *Securities Transfer Act* to govern the transfer and holding of securities and interests in securities, consistent with legislation currently enacted or being enacted in all provinces and territories. The bill, which consequentially amended the *Business Corporations Act, Personal Property Security Act* and *Seizures Act*, received assent on June 4, 2009 and came into force on August 1, 2009.

Bill 7 – *Summary Conviction Procedures Act*
The amendments allow for automatic convictions for summary offence ticket informations (e.g. tickets for *Motor Vehicle Act* offences and municipal parking offences) where the accused fails to either pay the voluntary penalty or appear in court in response to the summons. The bill also

increases the maximum fine for failing to appear before a justice as required. The bill received assent and came into force on February 26, 2010.

Bill 10 – *Exemptions Act*
These amendments increase the exemption amounts for categories of property described in the *Act*, and revises the categories and descriptions of property that are exempt from seizure. The bill received assent on February 26, 2010, and came into force on July 1, 2010.

Significant legislative initiatives that are being developed in 2010-11 but have not yet been introduced include:

1. Amendments to the ***Conflict of Interest Act*** to enable employees of the GNWT and the Government of Canada to actively participate in the deliberations of municipal councils and other public bodies, including matters involving funding from the GNWT and Canada, without being deemed to have a conflict of interest unless the employee will receive a direct or indirect pecuniary benefit from the decision. The amendment will remove the presumption that the employee will automatically stand to benefit from the decision, by reason only that they are employed by the GNWT or Canada.
2. Amendments to the ***Evidence Act*** expanding the definition of "committee" for hospital quality assurance purposes.
3. A new ***Legal Aid Act*** to provide a responsive and efficient legal aid system for NWT residents. The new Act will clearly define the roles and responsibilities of the Board and the Executive Director, update provisions relating to choice of counsel and residency requirements of counsel, and eliminate provisions that needlessly exert pressure on financial and human resources.
4. A new ***Electronic Commerce Act*** to implement the principles of the United Nations Model Law in Canada. This legislation will remove barriers to the use of electronic communications by government and the private sector.
5. Amendments to the ***Territorial Court Act*** increasing the monetary jurisdiction of the Territorial Court from $10,000 to $35,000. The amendments have been requested by the Territorial Court, and should provide greater access to justice for individuals engaging in the court process.

Planned Activities – 2011-12

During 2011-12, the Department will continue to address legislative requirements identified in prior years and implement legislation that has received assent. The Department will also be identifying potential legislative initiatives for advancement during the 17th Legislative Assembly. These include:

1. Amendments to the ***Children's Law Act*** addressing questions related to assisted human reproduction and the status of the child, including defining who are the legal parents of a child, as well as who is entitled to register as a child's parents. The first question involves amendments to the NWT *Children's Law Act* regarding the definition of parentage as this definition is used for establishing responsibilities of parents for support, custody and access under NWT family law legislation.
2. Amendments to the ***Youth Justice Act.*** The federal government has introduced Bill C-4 to amend the *Youth Criminal Justice Act (YCJA)*. Amendments include changes to the sentencing principles of the Act and to allow for pre-trial detention in more cases. A complementary amendment to the NWT *Youth Justice Act* may be necessary to maintain uniformity between the federal and

territorial legislation dealing with youth crime. This would ensure consistent program delivery and maintenance of public confidence in the youth justice system.

The Department will also continue to research the scope and/or feasibility of the following projects:

1. **Peace officer legislation** that may allow the NWT to create community peace officer positions apart from the RCMP to perform duties that do not require a fully trained officer, such as community patrols, traffic detail, court duty and prisoner escorts.
2. Legislative options for replacing the current filing requirements in the ***Partnership Act*** with a more comprehensive registration scheme requiring periodic renewals.
3. Amendments to the ***Arbitration Act*** to update a number of outdated provisions. Many powers that an arbitrator possesses, and remedies that he or she may grant in other jurisdictions, are not available in the NWT. Because of these limitations arbitration is currently a less attractive dispute resolution mechanism than it might otherwise be.
4. A new ***Victims of Crime Act*** to replace the existing Act to harmonize provisions with the principles contained in the national *Victims Bill of Rights*, and amend sections dealing with fine surcharges that are inconsistent with the *Youth Criminal Justice Act* and the *Criminal Code of Canada*.
5. Amending or replacing the ***Corrections Act*** in order to bring the legislation in line with modern approaches and practices.

e) Human Resources

Overall Human Resource Statistics

All Employees

	2010	%	2009	%	2008	%	2007	%
Total	499	100.0	516	100	536	100	541	100
Indigenous Employees	249	49.9	247	46.1	247	46.1	252	46.6
Aboriginal	150	30.1	158	30.6	167	31.1	180	33.3
Non-Aboriginal	99	19.8	81	15.7	80	14.9	72	13.3
Non-Indigenous Employees	250	50.1	277	53.7	289	53.9	289	53.4

Note: Information as of March 31 each year.

Senior Management Employees

	2010	%	2009	%	2008	%	2007	%
Total	12	100	11	100	11	100	11	100
Indigenous Employees	4	33.3	3	27.3	2	18.2	2	18.2
Aboriginal	1	8.3	1	9.1	1	9.1	1	9.1
Non-Aboriginal	3	25	2	18.2	1	9.1	1	9.1
Non-Indigenous Employees	8	66.7	8	72.7	9	81.8	9	81.8
Male	4	33.3	4	36.4	5	45.5	5	45.5
Female	8	66.7	7	63.6	6	54.5	6	54.5

Note: Information as of March 31 each year.

Non-Traditional Occupations

	2010	%	2009	%	2008	%	2007	%
Total	25	100	26	100	18	100	19	100
Female	3	12	2	7.7	1	5.6	2	10.5
Male	22	88.0	24	92.3	17	94.4	7	87.5

Note: Information as of March 31 each year.

Employees with Disabilities

	2010	%	2009	%	2008	%	2007	%
Total	4	0.8	3	0.6	3	0.6	0	0

Note: Statistical Information current as of March 3 each year.

Position Reconciliation

This information differs from the employee information on the preceding page as the Human Resource information reflects actual employees as of March 31 of each year. The information presented reflects position expenditures approved through the budget process for each fiscal year.

Active Positions

Summary:

	2010-11 Main Estimates	Change	2011-12 Business Plan
Total	418	-	427
Indeterminate full-time	415	10	425
Indeterminate part-time	3	(1)	2
Seasonal	0	-	0

Adjustments During the Year:

Position	Community	Region	Added/ Deleted	Explanation
FASD Consultant	Yellowknife	Headquarters	1	Strategic Initiative – Building Our Future
Legal Counsel	Yellowknife	Headquarters	1	Strategic Initiative – Building Our Future
Community Safety Coordinator	Yellowknife	Headquarters	1	Strategic Initiative – Building Our Future
Chief Consultation Officer	Yellowknife	Headquarters	1	Strategic Initiative – Managing this Land
Legal Counsel	Yellowknife	Headquarters	1	Strategic Initiative – Managing this Land
Policy Advisor	Yellowknife	Headquarters	1	Strategic Initiative – Managing this Land
Information/Privacy Analyst	Yellowknife	Headquarters	1	Strategic Initiative – Refocusing Gov't
Staff Lawyer	Yellowknife	North Slave	1	Forced Growth – New Legal Aid Clinic
Information/Privacy Analyst	Yellowknife	Headquarters	(0.5)	Forced Growth Sunset
Legal Counsel	Yellowknife	Headquarters	1	Forced Growth – HR Arbitration Backlog
Maintenance Enforcement Officer	Yellowknife	North Slave	1	Forced Growth – Increased Caseload

Other Positions

Summary:

	2010-11 Main Estimates	Change	2011-12 Business Plan
Total	6	-	6
Indeterminate full-time	6	-	6
Indeterminate part-time	0	-	0
Seasonal	0	-	0

Other Human Resource Information

One of the stated priorities of the Legislative Assembly is to "improve human resource management within the GNWT through training, career planning, and encouraging innovation by employees." To address this priority, the Department of Human Resources has launched a long-term human resources strategy for the public service entitled, *20/20: A Brilliant North*. Among other initiatives, this strategy provides a framework for the development of departmental human resource plans, including succession plans and affirmative action plans.

The tables below indicate statistics on departmental human resource activities with respect to summer students, interns and transfer assignments for 2010. The information is current as of August 2010.

Summer Students				
Total Students	Indigenous Employees (Aboriginal + Non Aboriginal)	Indigenous Aboriginal	Indigenous Non-Aboriginal	Non-Indigenous
10	10	3	7	0

Interns				
Total Interns	Indigenous Employees (Aboriginal + Non Aboriginal)	Indigenous Aboriginal	Indigenous Non-Aboriginal	Non-Indigenous
5	5	1	4	0

Transfer Assignments				
Total Transfer Assignments	Indigenous Employees (Aboriginal + Non Aboriginal)	Indigenous Aboriginal	Indigenous Non-Aboriginal	Non-Indigenous
32	18	14	4	14

Activities Associated with Staff Training & Development

The Northern Workforce Development Plan

Justice faces an ongoing challenge to staff positions with indigenous NWT residents. Like all departments, Justice competes with international resource-development companies for employees who have northern-hire quotas and staffing needs that are met with local residents. It is also a struggle to find employees from the north with the right combination of skills, education and experience to fill specialized jobs in courts, corrections and legal aid.

In 2009-10, Justice developed the *Northern Workforce Development Plan.* Working collaboratively with staff from the Department of Human Resources, Justice designed the Plan to support the GNWT's Affirmative Action Policy, the Department of Human Resources' *20/20: A Brilliant North* at the departmental level and to meet the specific and varied staffing needs of the Department of Justice. The goal is to create a skilled and stable Northern workforce to carry out the programs and services of the Department of Justice. There are four objectives that support this goal, some of which overlap. These are:

1. Marketing the Department of Justice;
2. Creating and implementing recruitment strategies tailored to divisional needs;
3. Supporting developmental opportunities for all employees; and
4. Investing in long-term succession planning.

The Plan was implemented in 2010-11. With the overall goal and objectives in mind, divisions will develop a yearly plan to address marketing, recruitment, training and development and succession planning. Plans will address specific actions that will be taken to support each of the four objectives above. In each subsequent year, the updated plans will include a summary of actions taken and results from the previous year, as well as specific challenges and proposed actions for the upcoming year.

Justice initiatives that support the *Northern Workforce Development Plan* and, in turn, *20/20: A Brilliant North*, include:

- Re-description of Courts Officer Positions – Court Services has restructured and re-described its positions to allow staff to move through courts positions from entry level to senior positions. Staff will have the opportunity, through on the job training and mentoring, to receive progressive promotions. The aim of this initiative is to attract and hire Northern candidates, who may not have the training and experience to be hired as senior court officers, but who demonstrate aptitude and who, with proper support and training, will advance. As a result of this initiative, Court Services has been successful in staffing most recent vacancies with indigenous Northern candidates.
- Corrections Northern Recruitment Training Program – this is a six-week program to train Northerners in the technical skills required for work in NWT facilities. This program provides Northerners with basic skills that will qualify them to be hired into entry-level jobs in correctional facilities. As of August 2010, 34 Northerners had graduated from the program and 31 of the graduates were employed by Corrections Service.
- Specialized Training Provided to Corrections Staff:
  - ✓ Integrated Case Management Training
  - ✓ Sentence Administration Certificate Program
  - ✓ National Sex Offender Treatment Program and National Sex Offender Risk Assessment Training.
  - ✓ Domestic Violent Offender Supervision
  - ✓ Corrections Service Canada Parole Supervision Orientation
  - ✓ Community Correctional Personal Safety Training
  - ✓ Self Defense Refresher Training
  - ✓ Cell Extraction Training
  - ✓ Risk Assessment Training.
- Sheriff Officers receive on-going self-defense and CELT training.
- Legal Registries staff members receive training on new systems, e.g. Corporate Registries Database.
- Court workers receive regular training to expand their experience with courts and their administrative knowledge. As identified earlier, court workers will also receive additional training to reflect changes in the scope of their duties.
- Legal and legislative counsel, as well as Legal Aid staff lawyers, are provided with opportunities to take part in professional development courses designed to augment their skills, including drafting courses and intensive trial advocacy training.
- The Department of Justice liaises regularly with the Canadian Bar Association to promote the North as a place to practice law, both in the private and public sectors.

f) Information System & Management Overview

Overview

Approach to Information Management / Information Systems

Justice is responsible for the administration of courts, policing, corrections and community justice as well as the delivery of a number of other programs and services to the public such as victim services, legal aid, the rental office and legal registries.

The diversity of these responsibilities – including the need for strict security, the local and national requirements for statistical information, as well as the legal framework Justice operates within – governs the Department's approach to information management and information systems (IM/IS). Advances in technology and increased access to (and use of) the Internet presents opportunities, creates challenges and raises expectations by clients and the public.

The high level of crime and particularly violent crime in the NWT puts pressures on our police, courts, victim services, and corrections services. With increases in resource development, our client-service sectors like maintenance enforcement, legal aid, and legal registries (specifically the land titles section) will see increases in workload. These pressures will also be felt in the core program areas of corrections, community justice and courts. Our IM/IS systems need to be maintained and updated, and new systems need to be developed to respond effectively to these pressures.

For these reasons, the Department maintains one of the largest application portfolios, as well as one of the most diverse security and infrastructure portfolios, within Government. In the next four years, the Department will be faced with a number of IM/IS challenges and considerations. In order to respond adequately to these challenges and the opportunities provided by new technology additional financial and human resources are required.

1. Security Requirements

Management of Information – Information must meet strict security requirements (both electronic and physical) due to legislative and privacy concerns. This is especially true for the courts and corrections areas. As an independent branch of government, Courts have records that do not fall under the purview of the Executive branch of government (i.e., the Department), and, for this reason, must be kept and managed separately. Additionally, the sensitive nature of court documents requires a high degree of security to maintain the integrity of the court record and protect information that cannot be made public (e.g., youth records). For these reasons, the Justice Informatics team maintains and manages the systems related to these records.

Management of Facilities – Courts and corrections program areas also require systems and technology to protect the physical security of the public, offenders and accused, as well as staff. The courthouse in Yellowknife and correctional facilities throughout the NWT use complex internal security tracking and surveillance systems. These systems are managed and maintained by the Justice Informatics team.

2. Statistical Requirements

The Department generates and manages statistical information on a wide variety of program areas and topics, including legal aid, maintenance enforcement, corrections, courts, community justice and victim services. The Department contributes electronic and print data to national institutions, including Statistics Canada and the Canadian Centre for Justice Statistics. This information, along

with statistical information from other jurisdictions, is used to report on the justice system in Canada and is very important to the Department for planning and evaluation purposes. Statistical reports also provide NWT residents and stakeholders with important information on justice issues and programs.

The Department must remain an active contributor to national datasets on justice services and issues to benefit from the analytical work conducted at a national level. This requires a sustained focus on data quality and reporting requirements. The Department also must ensure that data collection activities and information management systems meet our research, planning and evaluation needs.

3. Program Delivery Requirements

Administration – Justice is responsible for providing operational systems to support the administration of a variety of programs. Systems to support these programs must be effective and accessible to staff, and staff need proper training to collect and enter the information. These operational systems must provide statistical information that can be easily accessed to meet local or national statistical requirements.

Service Delivery – Services like legal aid, courts services and legal registries require operational systems that support client needs. Clients may be required to pay fines, make maintenance payments (or find out how much is owed) or search land titles. Improvements in technology and increased access to the internet present the Department with opportunities and challenges for meeting clients' needs.

4. Major Information Systems

The Justice Application portfolio consists of 36 independently maintained applications. Below is a list of the major, mission critical applications maintained by departmental Information Systems staff. These applications consist mainly of Security systems, Program Administration systems and public service delivery systems.

Security

Courthouse Security \ Surveillance System	Court Services
Corrections Security Surveillance System	Corrections
Building Security Control System	Corrections (North Slave Correctional Centre)

Program Administration

Jury Management System	Court Services
Court Information Tracking System	Court Services
Justice Information System	Court Services
Inmate Trust Accounting System	Corrections
Correction Offender Management System	Corrections
Portal for Electronic Data, SharePoint Server	Corrections
Document Registry Tracker	Legal Registries
Legal Aid System	Legal Aid
Lawyer Time Keeping System	Legal Division
Appointments and Revocations Database	Legislation Division
Coroner Results Database	Coroner's Office
Coroner Statistical Tracking Database	Coroner's Office

Services to the Public

Active Receipt System	Legal Registries
Document Imaging System	Legal Registries
Corporate Registries database	Legal Registries
Land Titles Daybook	Legal Registries
Personal Property Registry	Legal Registries

System for Electronic Document Analysis Retrieval	Legal Registries
National Registration Database	Legal Registries
Child Support Manager	Maintenance Enforcement

Planned Activities - 2011-12

Continuation of the existing IM/IS Strategy

The Department is continuing the implementation of the IM/IS strategy that was developed in the 2009-10 business plan. This strategy focuses on managing growth and development with limited funding and resources by gradually reducing the number of smaller individually maintained and managed applications with easily maintainable WEB based applications. These new applications are expected to increase application life cycles, provide better opportunities for knowledge transfer, share a common look and feel, and require a minimal amount of maintenance thus reducing the departments total cost of ownership.

The Department will also continue to work closely with GNWT committees and business advisory groups to identify common IM/IS issues and solutions at both a department and government level. We will continue to combine our business-based driving forces to take advantage of shared applications and opportunities rather than having to develop and maintain smaller and more costly solutions. One example of a GNWT-wide initiative that Justice is particularly interested in is Web-based or "E-government".

Justice Mail Tracking System

The Department is still considering the implementation of a mail tracking system that will integrate with the GNWT Global document imaging solution. However, there have been significant delays surrounding the global document imaging initiative. If the problems with the initiative can be overcome the Department will move forward with implementation.

Expectations of the new mail tracking solution include the ability to connect directly to and retrieve a document, reduce data entry and improve the overall ability to manage information flow and response times.

Data Analysis / Information Management Review

Justice Plans to continue the analysis of justice statistics that began in 2009-10. The Department will continue to assess information needs for national reporting requirements, program planning, and evaluation. This activity supports efforts to improve our understanding of justice system trends and pressures and provides an opportunity to be proactive in reporting requirements and changes.

Courts – Jury management System

The Department of Justice planned for the replacement of the Jury Management System in 2011-12. Currently development is underway and implementation is expected on time.

Video Conferencing Initiative

Recently the Department has implemented a closed circuit video conferencing loop between the Yellowknife Correctional facility and the Court house. We are still at the very early stages with this project however we do anticipate that over the next few years we will begin to see substantial reductions in the travel time required for preliminary and remand hearings.

Planned initiatives for the next four years include the introduction of this technology between the Courthouse in Yellowknife and various correctional facilities across the North. Video conferencing also has applications for policing and other programs that provide services to the public, like the

rental office and legal aid. Our goal is to use this technology where applicable to maintain or improve services and reduce costs.

Courts Management System (FACTS)
This system represents one of the Departments largest application investments and is mandatory for Court Services to function. In 2010-11, the Department of Justice has seen a substantial reduction in the amount of support that is being offered by the developer of our internal "Courts Management System". It is possible that the existing vendor will completely stop supporting the application in five years. The Department is currently investigating and reviewing opportunities to migrate to a new "Courts system" that was originally developed for use in the British Columbia.

Corrections Offender Management System (COMS)
The Correction Offender Management System is the second largest application maintained by the Department and is also experiencing a variety of vendor support issues. The developer of the application is currently not responding to our requests for program updates and has also indicated that support for this application will not continue beyond the next five years. The Department will be again looking for opportunities to migrate away from this system over the next five years.

Document Imaging Initiative
In 2011-12 the Department will continue work to implement document imaging technology. In 2010-11, Court Services purchased a document imaging solution and all the necessary hardware to implement independently from the rest of the GNWT. Expectations of the system are to allow clients to access records for a fee within the next 3 years.

Online Payment / E-Government Initiatives
Fine payments, service fees and information requests are increasing within the Department's client-oriented divisions, including Courts and Legal Registries. In order to manage this increase, the Department must improve the existing in-person approach. Secure alternatives for electronic payment and information sharing (in compliance with the GNWT's Web Enhancement and E-government initiatives) are needed. Fine collection improvements will have implications for other public service programs like maintenance enforcement. In 2011-12 Justice anticipates implementing on online payment system for Courts that will allow residents to pay fines or fees owed online.

Legal Registries Online Search System
In 2010-11, Legal Registries will complete the development of an electronic database to replace current manual title searches. The current system for searching land titles consists of plan index books for each community in the NWT that includes the title history according to the lots and blocks shown on the plan. The new system will replace these manual plan indices. This system will eventually be linked to the document imaging database that will allow the collection of fees for each title search, and the public to conduct title searches directly from their home or place of business. Legal Registries also plans to replace corporate registries applications for extra-territorial corporations, societies and partnerships. This new system will also link with the document imaging database, and allow the collection of fees for each title search, and the public to conduct title searches directly from their home or place of business.

Maintenance Enforcement System Replacement
In 2010-11, work begins to replace the operational system used by the Maintenance Enforcement Program. In 2011-12 the new operational system for the Maintenance Enforcement Program, will be finalized. This new system will include an electronic statistics component, a public access web component, and will result in increased efficiencies for the Maintenance Enforcement Program.

4. FUTURE STRATEGIC DIRECTION

Responsibilities of the Department of Justice range from community-based programs aimed at prevention, to the conduct of formal court proceedings, and the custody of convicted offenders as well as delivery of a number of programs and services to the public. The majority of these functions are mandated through statute and driven by factors that are outside the control of the Department.

The high crime rate in the NWT has been attributed to factors related to population demographics, as well as socio-economic factors such as employment, education, residential schools, and drug and alcohol abuse. For these reasons, it is a high priority of our Department to work with communities, the police and other government departments to address these underlying factors and at the same time provide quality programs and services.

The Department is building our future strategic direction based on our goals and a focus on a proactive, integrated approach to Justice programs and services. This requires the commitment and cooperation of all parties and the development of innovative solutions. The Department is committed to the development of an accessible, responsive system of Justice designed to meet the needs of Northerners.

Justice has started work on a strategic plan for the Department that will be completed in 2011-12. This plan will help the Department transition between the 16th and 17th Legislative Assemblies providing strategic direction for the long term.

Some of the initiatives underway that support the attainment of our goals and will be incorporated into the Department's Strategic Plan are:

- Community Safety Strategy
- Family Law Reform
- Corrections program, facility and staffing improvements
- Implementation of results from Community Justice Review.